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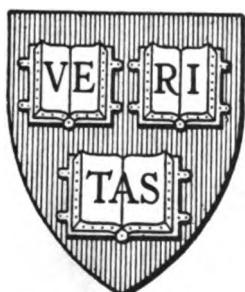
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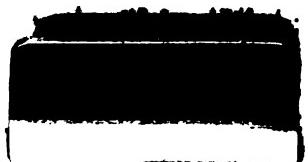
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B I L L S,

P U B L I C :

S E V E N V O L U M E S .

— (3.) —

DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND)
PROVISIONAL ORDER

TO

K I N S A L E H A R B O U R.

SESSION 1.—5 February 1880—24 March 1880.

SESSION 2.—29 April 1880—7 September 1880.

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1880.

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A

B I L L

TO

Confirm a Provisional Order under "The Drainage and A.D. 1880.
Improvement of Lands (Ireland) Act, 1863," and the Acts
amending the same.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the Provisional Order contained in the Schedule to this Act annexed, and it is by the first-mentioned Act provided that no such Order shall be of any validity whatever until confirmed by Parliament, and it is expedient that the said Order should be so confirmed :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order contained in the Schedule hereto annexed is hereby confirmed, and from and after the *passing of this Act* shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1880."

[Bill 91.]

A.D. 1880.

S C H E D U L E.

THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND), 1863.

26 and 27 Vict. cap. 88 ; 27 and 28 Vict. cap. 72 ; 28 and 29 Vict. cap. 52 ;
and 32 and 33 Vict. cap. 72.

5

In the matter of the GARRISTOWN and DELVIN RIVER DRAINAGE DISTRICT,
in the counties of Dublin and Meath.

WHEREAS certain proprietors of and persons interested in the lands upon
and adjacent to the above-named river, on or about the ninth day of May one
thousand eight hundred and seventy-nine, presented their petition to the 10
Commissioners of Public Works in Ireland, under the provisions of "The
Drainage and Improvement of Lands Act (Ireland), 1863," (herein-after called
the Act of 1863), and the Acts amending the same, accompanied by the proper
schedules, maps, plans, sections, and estimates, together with other particulars
and information required by the said Act, showing, by reference to the said 15
maps, the boundaries and area of the proposed drainage district, and stating
the exigencies rendering the formation of such drainage district necessary, and
praying that said lands within the proposed district should be constituted a
separate drainage district under the provisions of the said Acts: And whereas
the said Commissioners referred the same to John William Kelly, Esquire, civil 20
engineer, an inspector duly appointed under the said Acts: And whereas all
notices and inquiries required by the said Act have been duly given and made,
and the said inspector has duly reported to us, the said Commissioners, in
writing the result of his inquiries, and we, the said Commissioners, have duly
considered the same :

And whereas an objection to the said report has been made to us, which we 25
have considered :

And whereas all preliminaries required by the said Act of 1863 to precede
the making of this Provisional Order have been performed and complied with:
And whereas we, the said Commissioners, upon consideration of the premises 30
are satisfied of the propriety of constituting the proposed separate drainage
district, and that the proprietors of two-third parts in value of the lands in the
proposed district are in favour thereof, and have subsequently to the date of
the report of the said inspector assented thereto in writing :

Now, therefore, in pursuance of the power given to us by the said Acts, we, 35
the Commissioners of Public Works in Ireland, do, by this Provisional Order
under our common seal, constitute the area in the said petition and report, and

the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district by the name of "The Garristown and Delvin River Drainage District."

5 And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we, the said Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the Schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

10 And we, the said Commissioners of Public Works, do, by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of April which will be in the year one thousand eight hundred and eighty-two.

15 And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board :

That the Drainage Board for said district shall consist of five members.

That the following persons shall be the members of the first Drainage Board ; viz.,

20 The Right Honourable Hercules Edward Baron Langford, of Summer Hill, in the county of Meath ;

Robert Quinn Alexander, of Caledon, in the county of Tyrone, Esquire ;

Francis Rawdon Moira Crozier, of No. 19, Lower Dominick Street, in the county of the City of Dublin, Esquire ;

25 Patrick Ennis, of Naul Park, in the county of Dublin, Esquire ;

Richard Ball, of Mooreside, in the county of Dublin, Esquire.

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting.

30 That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands.

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order.

40 That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863 : Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the

**4 Drainage and Improvement of Lands (Ireland) [43 VICT.]
Provisional Order.**

A.D. 1880. lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in 5
Ireland, have hereunto caused our common seal to be affixed, this
thirtieth day of January one thousand eight hundred and eighty.

Office of Public Works, Dublin.

E. HORNSBY,

Secretary.

(The Seal of the Commissioners 10
of Public Works in Ireland.)

B I L L

A

To confirm a Provisional Order under
“The Drainage and Improvement of
Lands (Ireland) Act, 1863,” and the
Acts amending the same.

(Prepared and brought in by
Sir Henry Selwin-Ibbetton and Mr. James
Lowther.)

Ordered, by The House of Commons, to be Printed,
25th February 1880.

[Bill 91.]

Under 1. oz.

**Drainage and Improvement of Lands (Ireland)
Provisional Order.**

A

B I L L

TO

Confirm a Provisional Order under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same.

A.D. 1880.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, duly made the Provisional Order contained in the Schedule to this Act annexed; and it is by the first-mentioned Act provided that no such Order shall be of any validity whatever until confirmed by Parliament; and it is expedient that said Order shall be so confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order contained in the Schedule hereto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.
2. This Act may be cited for all purposes as the Drainage and Improvement of Lands Supplemental Act (Ireland), 1880.

Provisional
Order in
Schedule
confirmed.

[Bill 187.]

A.D. 1880.

S C H E D U L E

THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND), 1863.

26 & 27 Vict. cap. 88 ; 27 & 28 Vict. cap. 72 ; 28 & 29 Vict. cap. 52 ;
 and 32 & 33 Vict. cap. 72. 5

In the matter of the CURRYGRANE DRAINAGE DISTRICT, in the county of Longford.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the above-named river flowing from Currygrane Lough to the River Camlin, on or about the eighteenth day of November one thousand eight hundred and seventy-nine, presented their petition to the Commissioners of Public Works in Ireland under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts : And whereas the said Commissioners referred the same to John William Kelly, Esquire, civil engineer, an inspector duly appointed under the said Acts : And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same : 25

And whereas one objection to the said report has been made to us, which has been duly considered :

And whereas all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with : And whereas we, the said Commissioners, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have, subsequently to the date of the report of the said inspector, assented thereto in writing :

Now, therefore, in pursuance of the power given to us by the said Acts, 35 we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a 40 separate drainage district by the name of "The Currygrane Drainage District."

And we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we the said Commissioners may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do, by this our order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the thirtieth day of September which will be in the year one thousand eight hundred and eighty-one.

10 And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board :

That the Drainage Board for said district shall consist of three members. That the following persons shall be the members of the first Drainage Board; viz., James Wilson of Currygrane (post town Edgeworthstown), in the county 15 of Longford, Esquire; Patrick Rhatigan of Camlisk (post town Edgeworthstown), in the county of Longford, Esquire; De Witt Gray, of No. 4, Wilson Road, Camberwell, London, S.E., Esquire.

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette 20 and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863 and the Acts referred to therein or incorporated therewith) of not less than twenty acres of 25 land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands.

That the members of the first Board shall vacate their offices on the first 30 Thursday in September in the year following the date of this Provisional Order.

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863 : Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the 35 lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, 40 have hereunto caused our common seal to be affixed, this twenty-second day of April one thousand eight hundred and eighty-one.

Office of Public Works, Dublin.

E. HORNSBY, Secretary.

Seal.

Drainage and Improvement of Lands Provisional Order
(No. 2).

A

B I L L

To confirm a Provisional Order under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same.

(*Prepared and brought in by
Lord Frederick Cavendish and Mr. Forster.*)

*Ordered, by The House of Commons, to be Printed,
25 May 1880.*

[Bill 187.]

Under 1 oz.

A

B I L L

TO

Confirm certain Provisional Orders under the Drainage A.D. 1880.
and Improvement of Lands (Ireland) Act, 1863, and
the Acts amending the same.

WHEREAS the Commissioners of Public Works in Ireland
have, in pursuance of the Drainage and Improvement of 26 & 27 Vict.
Lands Act (Ireland), 1863, and the Acts amending the same, duly c. 88.
made the provisional orders contained in the first, second, and third
5 schedules to this Act annexed; and it is by the first mentioned Act S. 6, Part 7.
provided that no such orders shall be of any validity whatever until
confirmed by Parliament, and it is expedient that the said orders
should be so confirmed:

Be it therefore enacted by the Queen's most Excellent Majesty,
10 by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows:

1. The provisional orders contained in the first, second, and third
schedules hereto annexed are hereby confirmed, and from and
15 after the passing of this Act shall respectively be deemed to be a
Public General Act of Parliament, of the like force and effect as
if the provisions of the same had been enacted in the body of this
Act.

2. This Act may be cited for all purposes as the Drainage and Short title.
20 Improvement of Lands Supplemental Act (Ireland), 1880 (No. 3).

Provisional
Orders in
Schedule
confirmed.

A.D. 1880.

S C H E D U L E S.

FIRST SCHEDULE.

The Drainage and Improvement of Lands Act (Ireland), 1863.

26 & 27 Vict., c. 88; 27 & 28 Vict., c. 72; 28 & 29 Vict. c. 52;
32 & 33 Vict. c. 72; 35 & 36 Vict. c. 31 and 37; 38 Vict. c. 32; and 5
41 & 42 Vict. c. 59.

In the Matter of the UPPER SILVER RIVER DRAINAGE DISTRICT in the
County of Westmeath and King's County.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the above-named river on or about the twentieth day of November 10 one thousand eight hundred and seventy-nine presented their petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars 15 and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district, necessary, and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts. And whereas 20 the said Commissioners referred the same to John W. Kelly, Esquire, civil engineer, an inspector duly appointed under the said Acts. And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing the result of his inquiries, and we, the said Commissioners, have duly 25 considered the same :

AND WHEREAS no objection to the said report has been made to us :

AND WHEREAS all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with. And whereas we, the said Commissioners, upon consideration of the premises, 30 are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of, the report of the said inspector assented thereto in writing :

NOW THEREFORE, in pursuance of the power given to us by the said Acts 35 we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and

A.D. 1880.

report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district by the name of "The Upper Silver River Drainage District."

5 AND we do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we, the said Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

10 AND we, the said Commissioners of Public Works, do by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the thirty-first day of December which will be in the year one thousand eight hundred and eighty-three.

AND we do further, by this our Provisional Order, make the following regulations with respect to the drainage board:

That the drainage board of the said district shall consist of five members. That the following persons shall be the members of the first drainage board, viz.:—

20 William Fetherston Haugh, of Grouse Lodge, Moate, in the county of Westmeath, Esquire ;
Dawson French, of Tullamore, in the King's County, Esquire ;
Henry Chenevix, of No. 1, Cromwell Road, Teddington, in the county of Middlesex, Esquire ;
Ralph Smyth, of Gaybrook, Mullingar, in the county of Westmeath,
25 Esquire, late Captain 17th Foot ; and
Robert Staples Longworth Dames, of No. 32, Upper Mount Street, in the county of the city of Dublin, Esquire, Barrister-at-Law.

That the first meeting of said board shall be summoned by notice under the hands of any two or more of the said board, published in the "Dublin Gazette" 30 and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith) of not less than twenty acres 35 of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands.

That the members of the first board shall vacate their offices on the first 40 Thursday in September in the year following the date of this Provisional Order.

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863. Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the 45 lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates

4 *Drainage and Improvement of Lands [43 & 44 VICT.]*
 (Ireland) Provisional Orders (No. 3).

A.D. 1880. or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed this eighth day of July one thousand eight hundred and eighty. 5

Office of Public Works, Dublin. Secretary.
**(The Seal of the Commissioners of Public
Works in Ireland.)**

SECOND SCHEDULE.

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The Drainage and Improvement of Lands Act (Ireland), 1863.

26 & 27 Vict. c. 88; 27 & 28 Vict. c. 72; 28 & 29 Vict. c. 52; 32 & 33 Vict. c. 72; 35 & 36 Vict. c. 31; 37 & 38 Vict. c. 32; and 41 & 42 Vict. c. 59.

In the matter of the RIVER LERR DRAINAGE DISTRICT in the counties of
Kildare and Carlow.

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WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the above-named river, on or about the twelfth day of December one thousand eight hundred and seventy-nine, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts. And whereas the said Commissioners referred the same to John William Kelly, Esquire, civil engineer, an inspector duly appointed under the said Acts. And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing, the result of his inquiries, and we, the said Commissioners, have duly considered the same :

AND WHEREAS three objections to the said report have been made to us which we have duly considered:

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AND WHEREAS all preliminaries required by the said Act of 1863 to precede the making of this Provisional Order have been performed and complied with. And whereas we, the said Commissioners, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the 40

proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing : A.D. 1880.

- Now THEREFORE, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district by the name of "The River Lerr Drainage District."
- 10 AND We do declare that the lands to be purchased for the proposed works in said district (subject to such alterations and deviations therefrom as we the said Commissioners may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

- 15 AND We, the said Commissioners of Public Works, do by this our Order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of June which will be in the year one thousand eight hundred and eighty-three.

- AND We do further, by this our Provisional Order, make the following regulations with respect to the drainage board :

- That the drainage board for said district shall consist of seven members. That the following persons shall be the members of the first drainage board, viz. :—
- Charles Robert Hamilton, of Hamwood (post town Clonee), in the county of Meath, Esquire, agent to his Grace the Duke of Leinster ;
William Read, of No. 4, Dawson Street, in the county of the city of Dublin, Esquire, agent to Frederick Louis Fitzgerald, Esquire ;
John Henry Dunne, of Ballymanus (post town Stradbally), in the Queen's County, Esquire ;
30 Michael Walsh, of Newtown (post town Moone), in the county of Kildare, Esquire ;
George Alexander, of Rathvinden (post town Leighlinbridge), in the county of Carlow, Esquire, agent to Colonel Henry Bruen ;
George Williams, of Newgarden (post town Carlow), in the county of Carlow, Esquire ;
35 John Germaine, of Newtown House (post town Castledermot), in the county of Kildare, Esquire, agent to Frances Archbold, spinster.

- That the first meeting of said board shall be summoned by notice under the hands of any two or more of the said board, published in the "Dublin Gazette" and some newspaper generally circulated in the said district at least fourteen days next before the day of meeting.

- That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith) of not less than 20 acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land

A.D. 1880. situate within the area of said district, and acting as the receiver of the rents and profits of such lands.

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order.

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this fifteenth day of July one thousand eight hundred and eighty.

E. HORNSBY,

Secretary.

(The seal of the Commissioners of Public Works in Ireland.)

Office of Public Works, Dublin.

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THIRD SCHEDULE.

The Drainage and Improvement of Lands Act (Ireland), 1863.

26 & 27 Vict. c. 88 ; 27 & 28 Vict. c. 72 ; 28 & 29 Vict. c. 52 ; 32 & 33 Vict. c. 72 ; 35 & 36 Vict. c. 31 ; 37 & 38 Vict. c. 32 ; and 41 & 42 Vict. c. 59.

In the matter of the SCARIFF DRAINAGE DISTRICT in the county of Clare.

WHEREAS certain proprietors of and persons interested in the lands upon and adjacent to the above-named river, on or about the fourth day of November one thousand eight hundred and seventy-nine, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, (herein-after called the Act of 1863,) and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing, by reference to the said maps, the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts. And whereas the said Commissioners referred the same to Henry J. B. Kane, Esquire, civil engineer, an inspector duly appointed under the said Acts. And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us, the said Commissioners, in writing the result

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of his inquiries, and we, the said Commissioners, have duly considered the A.D. 1880.
same :

AND WHEREAS two objections to the said report have been made to us, which
have been duly considered :

5 AND WHEREAS all preliminaries required by the said Act of 1863 to precede
the making of this Provisional Order have been performed and complied with.
And whereas we, the said Commissioners, upon consideration of the premises,
are satisfied of the propriety of constituting the proposed separate drainage
district, and that the proprietors of two third parts in value of the lands in the
10 proposed district are in favour thereof, and have subsequently to the date of
the report of the said inspector assented thereto in writing :

Now THEREFORE, in pursuance of the power given to us by the said Acts,
we, the Commissioners of Public Works in Ireland, do, by this Provisional
Order under our common seal, constitute the area in the said petition and
15 report, and the boundaries and extent of which are set forth within yellow lines
on the map to which we have caused our common seal to be attached (and which
map is deposited in the Office of Public Works in Ireland), a separate drainage
district by the name of "The Scariff Drainage District."

AND we do declare that the lands to be purchased for the proposed works
20 in said district (subject to such alterations and deviations therefrom as we, the
said Commissioners, may hereafter sanction) are the lands in that behalf shown
and set forth in the said map and the schedule thereto annexed, marked with
the letter B, and also sealed with our common seal.

AND we, the said Commissioners of Public Works, do by this our Order, order
25 and direct that the time for the completion of the necessary works in the said
district shall be limited to the first day of March which will be in the year one
thousand eight hundred and eighty-four.

AND we do further, by this our Provisional Order, make the following
regulations with respect to the drainage board :

30 That the drainage board for said district shall consist of seven members.
That the following persons shall be the members of the first drainage board ;
viz. :—

Charles George O'Callaghan, of Ballinahinch, Tulla, in the county of
Clare, Esquire ;
35 Lieutenant-Colonel John O'Callaghan, of Maryfort, in the county of Clare ;
Nicholas Butter, of Walterstown, Crusheen, in the county of Clare,
Esquire ;
Patrick Henry Sheehan, of Gort, in the county of Galway, Esquire ;
John William Scott, of Roslevan, Ennis, in the county of Clare, Esquire,
40 agent of Lord Leconfield ;
Hallam G. Studdert, of Hazelwood, Quin, in the county of Clare,
Esquire, as agent of the Earl of Norbury ; and
John Fitzpatrick Cullinan, of River View, Ennis, in the county of Clare,
Esquire, agent of Mrs. Jane Cullinan.
45 That the first meeting of the said board shall be summoned by notice under
the hands of any two or more of the said board, published in the " Dublin

*Drainage and Improvement of Lands [43 & 44 VICT.]
(Ireland) Provisional Orders (No. 3).*

A.D. 1880. "Gazette" and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith) of not less than twenty acres 5 of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of rents and profits of such lands.

That the members of the first board shall vacate their offices on the first 10 Thursday in September in the year following the date of this Provisional Order.

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless 15 the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in 20 Ireland, have hereunto caused our common seal to be affixed, this twenty-first day of July one thousand eight hundred and eighty.

E. HORNSBY,

Secretary.

(The seal of the Commissioners of 25
Public Works in Ireland.)

Office of Public Works, Dublin.

**Drainage and Improvement of Lands (Ireland)
Provisional Orders
(No. 3).**

A

B I L L

To confirm certain Provisional Orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same.

*(Prepared and brought in by
Lord Frederick Cavendish and Mr. Holmes.)*

*Ordered, by The House of Commons, to be Printed,
22 July 1880.*

[Bill 278.]

Under 2 oz.

A

B I L L

TO

Confirm a Provisional Order under the Drainage and A.D. 1880.
Improvement of Lands (Ireland) Act, 1863, and the Acts
amending the same.

WHEREAS the Commissioners of Public Works in Ireland
have, in pursuance of the Drainage and Improvement of
Lands Act (Ireland), 1863, and the Acts amending the same, duly
made the Provisional Order contained in the schedule to this Act
5 annexed, and it is by the first-mentioned Act provided that no such
Order shall be of any validity whatever until confirmed by Parlia-
ment, and it is expedient that said Order should be so confirmed.

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. The Provisional Order contained in the schedule hereto
annexed is hereby confirmed, and from and after the passing of this
Act shall be deemed to be a Public General Act of Parliament,
15 of the like force and effect as if the provisions of the same had
been enacted in the body of this Act.

2. This Act may be cited for all purposes as the Drainage and Short title.
Improvement of Lands Supplemental Act (Ireland), 1880.

26 & 27 Vict.
c. 88.

Section 6,
Part 7.

Provisional
Order in
schedule
confirmed.

[Bill 301.]

2 *Drainage and Improvement of Land (Ireland) [43 & 44 VICT.]*
 Provisional Order (No. 4).

A.D. 1880.

S C H E D U L E.

THE DRAINAGE AND IMPROVEMENT OF LANDS ACT (IRELAND),
1863.

26 & 27 Vict. c. 88 ; 27 & 28 Vict. c. 72 ; 28 & 29 Vict. c. 52 ; 32 &
33 Vict. c. 72 ; 35 & 36 Vict. c. 31 ; 37 & 38 Vict. c. 32, and 41 & 42 Vict. 5
c. 59, also Erne Lough and River Act, 1876, 39 & 40 Vict. c. 237, Local ;
and Erne Lough and River Act, 1879, 42 & 43 Vict. c. 222, Local.

IN the Matter of the Lough and River Erne Drainage and Navigation District
in the Counties of Fermanagh, Cavan, Monaghan, and Donegal.

Whereas John Grey Vesey Porter, esquire, being a proprietor of and a person 10
interested in the lands upon and adjacent to Lough Erne, on or about the
Twentieth day of October one thousand eight hundred and seventy-nine, pre-
sented his petition to the Commissioners of Public Works in Ireland, under
the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863,
(herein-after called the Act of 1863,) and the Acts amending the same, accom- 15
panied by the proper schedules, maps, plans, sections, and estimates, together
with other particulars and information required by the said Act, showing, by
reference to the said maps, the boundaries and area of the proposed drainage
district, and stating the exigencies rendering the formation of such drainage
district necessary, and praying that said lands within the proposed district 20
should be constituted a separate drainage district under the provisions of the
said Acts : And whereas the said Commissioners referred the same to Thomas
Hawksley, esquire, civil engineer, an inspector duly appointed under the said
Acts : And whereas all notices and inquiries required by the said Act have
been duly given and made, and the said inspector has duly reported to us, the 25
said Commissioners, in writing the result of his inquiries, and we, the said
Commissioners, have duly considered the same :

And whereas several objections to the said report have been made to us, and
have been duly considered :

And whereas all preliminaries required by the said Act of 1863 to precede 30
the making of this Provisional Order have been performed and complied with :
And whereas we, the said Commissioners, upon consideration of the premises
are satisfied of the propriety of constituting the proposed separate drainage
district, and that the proprietors of one moiety parts in value of the lands in the
proposed district are in favour thereof, and have subsequently to the date of the 35
report of the said inspector assented thereto in writing, and that the proprietors
of one third in value of said lands have not expressed in writing their dissent
to the formation of the said drainage district.

Now, therefore, in pursuance of the power given to us by the said Acts, we, the Commissioners of Public Works in Ireland, do, by this Provisional Order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the 5 map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district by the name of "The Lough and River Erne Drainage and Navigation District."

And we do declare that the lands to be purchased for the proposed works in 10 said district (subject to such alterations and deviations therefrom as we, the said Commissioners, may hereafter sanction) are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal.

And we, the said Commissioners of Public Works, do by this our Order, order 15 and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of March, which will be in the year one thousand eight hundred and eighty-five.

And we do further, by this our Provisional Order, make the following regulations with respect to the Drainage Board:

20 That the Drainage Board for said district shall consist of eleven members. That the following persons shall be the members of the first Drainage Board, viz.: Captain Mervyn Edward Archdale, of Castle Archdale, Irvinestown, in the county of Fermanagh; Captain William Collum, of Belview, Tamlaght, Enniskillen, in the county of Fermanagh; Lieutenant-Colonel the Honourable Charles Crichton, of Crom Castle, Newtown Butler, in the county of Fermanagh, representing the Right Honourable the Earl of Erne; Francis John Graham, of Drumgoon, Maguire's Bridge, in the county of Fermanagh, esquire; Colonel John Gerard Irvine, of Killadeas, Ballycassidy, in the county of Fermanagh; John Arthur Pomeroy, of St. Angelo, Ballincassidy, in the county of Fermanagh, esquire; John Grey Vesey Porter, of Belleisle, Lisbellaw, in the county of Fermanagh, esquire; Edward Smyth, of Enniskillen, in the county of Fermanagh, esquire, agent for the Right Honourable the Earl of Enniskillen; Gartside Tipping, of Rosferry, Lisnaskea, in the county of Fermanagh, esquire; John Archibald Wood, of Willoughby Place, Enniskillen, in the county of Fermanagh, esquire; Frederick Wrench, of Lurganbrae, Lisnaskea, in the county of Fermanagh, esquire, agent for the Right Honourable the Earl of Lanesborough.

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the Dublin Gazette 40 and some newspaper generally circulated in the said district, at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act of 1863, and the Acts referred to therein or incorporated therewith, of not less than twenty acres of 45 land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred

A.D. 1880.

4 *Drainage and Improvement of Land (Ireland) [43 & 44 VICT.]*
 Provisional Order (No. 4).

A.D. 1880. acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands.

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order.

5

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act of 1863: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates 10 or arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this third day of August one thousand eight hundred and eighty.

15

(Signed) E. HORNSBY.

Office of Public Works, Dublin.

L.S.

B I L L

A

To confirm a Provisional Order under
the Drainage and Improvement of
Lands (Ireland) Act, 1863, and the
Acts amending the same.

(Prepared and brought in by
Mr. John Holmes and Lord Frederick Cavendish.)

Ordered, by The House of Commons, to be Printed,
5 August 1880.

[Bill 301.] Under 1 oz.

A

B I L L

TO

Amend the Law relating to the powers of Drainage Boards A.D. 1880.
in Ireland to construct Works outside the limits of their
Districts.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited for all purposes as the Drainage and Improvement of Lands (Ireland) Act, 1880, and together with the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, may be cited as the Drainage and Improvement of Lands (Ireland) Acts, 1863 to 1880. Short title.

10 2. *From and after the passing of this Act* the powers vested in drainage boards constituted under the Drainage and Improvement of Lands Act (Ireland), 1863, of executing works outside the limits of their respective districts under the provisions of the fifty-sixth section of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter eighty-nine, as incorporated with the said Drainage and Improvement of Lands Act (Ireland), 1863, shall be extended as follows; that is to say, Additional powers to construct works outside the limits of a district.

15 26 & 27 Vict. c. 88.

The works which any drainage board may execute outside the limits of their district shall be, besides the works mentioned in the

20 said section, any other works which the Commissioners of Public Works in Ireland shall at any time, whether before or after the completion of the works within the district, certify to be, in their opinion, necessary for preventing injury to lands outside the limits of the district by reason of the drainage works executed or to be 25 executed by the drainage board within the district: Provided that a drainage board in pursuance of the powers conferred by this Act—

(1.) Shall not acquire any lands otherwise than by agreement;
and

[Bill 290.]

2 Drainage Boards (Ireland) Additional Powers. [43 & 44 Vict.]

A.D. 1880.

(2.) Shall not execute any works within the limits of the district of any other drainage board without the consent of that board, unless authorised by a Provisional Order made by the Commissioners of Public Works in Ireland, and confirmed by Parliament ; and the said Commissioners may make such order in the like manner, and shall have for the purpose the like powers, as in the case of provisional orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the provisions of that Act with respect to provisional orders and the purchase of lands shall, so far as is consistent with the tenour thereof, apply for the purpose of provisional orders and the purchase of lands under this Act.

Supplementary pro-
visions.

3. The provisions contained in the Drainage and Improvement of Lands (Ireland) Act, 1863, as amended by any Act or Acts, with respect to compensation to persons injuriously affected by the works executed by a drainage board, and with respect to the expenses of arbitration, and the costs and expenses of the Commissioners of Public Works, and with respect to the power of a drainage board to borrow money, and to loans or advances from the Commissioners of Public Works to a drainage board, and the security and repayment thereof, and with respect to the maintenance of such works, shall apply as if the works executed by a drainage board under this Act were works executed by the board within their district in accordance with the provisions of the Drainage and Improvement of Lands (Ireland) Act, 1863.

26 & 27 Vict.
c. 88.

25

For the purpose of providing the said expenses of executing such works, and for compensation, and all other expenses incident thereto, the Commissioners of Public Works shall, upon the completion of such works, or whenever they think fit, from time to time, make an order declaring that the amount mentioned in such order shall be charged upon the lands in the district of the drainage board which executed the works, and the proprietors thereof respectively ; and in such order the Commissioners shall declare the parties by whom and the respective proportions in which the amount mentioned in such order shall be paid, and, where any moneys have been lent by the Commissioners, the time or times of repayment to the Commissioners. In making such order, the Commissioners shall have regard to the final award under the Drainage and Improvement of Lands Act (Ireland), 1863, in the district for which such order shall be made ; and the Commissioners may also insert in any such order all such other determinations, matters, and things as they may think necessary and proper.

29 & 30 Vict.
c. 49.

45

Every such order made by the Commissioners under this Act shall have all the force and validity of a charging order made by them under the Drainage Maintenance Act, 1866.

Drainage Boards (Ireland) Additional Powers.

A

B I L L

To amend the Law relating to the powers
of Drainage Boards in Ireland to
construct Works outside the limits of
their Districts.

(*Prepared and brought in by*
Mr. John Holmes and Lord Frederick Cavendish.)

Ordered, by The House of Commons, to be Printed,
28 July 1880.

[Bill 290.]

Under 1 oz.

East India Loan (East Indian Railway Debentures) Bill.

ARRANGEMENT OF SECTIONS.

Section.

1. Power to the Secretary of State in Council of India to raise any sum not exceeding 2,950,000*l.*
2. As to issue of bonds.
3. As to issue of debentures.
4. As to payment of principal and interest on debentures.
5. Debentures and coupons for interest transferable by delivery.
6. Capital stock may be created and issued.
7. Transfer books of such capital stock to be kept.
8. Amount charged on revenues of India not to exceed 2,950,000*l.*
9. Power to raise money for payment of principal money.
10. Securities, &c. to be charged on revenues of India.
11. Provisions as to composition for stamp duties on India bonds extended to bonds and debentures issued under this Act.
12. Forgery of debentures and bills to be punishable as forgery of East India bonds.
13. Saving borrowing powers of Secretary of State in Council.
14. Stock created under this Act to be deemed East India stock.
15. Sect. 3, &c. of 33 & 34 Vict. c. 93. extended to capital stock created under this Act.
16. 34 & 35 Vict. c. 29. extended to all capital stock issued by the Secretary of State in Council under the authority of Parliament.
17. Short title.

SCHEDULE.

A

B I L L

TO

Enable the Secretary of State in Council of India to raise A.D. 1880.
money in the United Kingdom for the purpose of paying
off or redeeming Debentures of the East Indian Railway
Company.

WHEREAS by virtue of the East Indian Railway Company Purchase Act, 1879, the undertaking of the East Indian Railway Company, and all other the property of the said Company, save and except as therein mentioned, have been transferred to and 5 vested in the Secretary of State in Council of India, herein-after called the Secretary of State, subject to such debts and liabilities as have been incurred by the said Company to the East India Company or to any person or persons with the sanction of the East India Company or of the Secretary of State, and to interest on such 10 of the said debts as carry interest :

And whereas among such debts and liabilities are included the principal moneys and interest secured by the debentures mentioned in the schedule hereto :

And whereas the principal moneys secured by the said debentures, amounting in all to two million nine hundred and fifty thousand pounds, will become payable at the respective times specified in the said schedule :

And whereas it is expedient that provision should be made for paying off or redeeming the said debentures as and when 20 the principal moneys secured thereby become payable :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, of this present Parliament assembled, and by the authority of the same, as follows :

25 1. It shall be lawful for the Secretary of State at any time or times to raise in the United Kingdom for the service of the Government of India such sum or sums of money, not exceeding [Bill 99.]

Power to
Secretary of
State to
raise any

2 East India Loan (East Indian Railway Debentures). [43 VICT.]

A.D. 1880.

sum not
exceeding
2,950,000/-.

in the whole *two million nine hundred and fifty thousand pounds*, as may be required for the purpose of paying off or redeeming the principal moneys, secured by the debentures specified in the schedule hereto, such sum or sums to be raised by the creation and issue of bonds, debentures, or capital stock bearing interest, or partly by one 5 of such modes and partly by another or others.

As to issue
of bonds.

2. All bonds issued under the authority of this Act may be issued under the hands of two members of the Council of India, and countersigned by the Secretary of State, or one of his under secretaries, or his assistant under secretary, and shall be for such 10 respective amounts, payable after such notice, and at such rate or rates of interest, as the Secretary of State may think fit.

As to issue
of deben-
tures.

3. All debentures issued under the authority of this Act may be issued under the hands of two members of the Council, and countersigned as aforesaid, for such respective amounts, and at such rate or 15 rates of interest, as the Secretary of State may think fit, and shall be issued at or for such prices and on such terms as may be determined by the Secretary of State.

As to pay-
ment of prin-
cipal and
interest on
debentures.

4. All debentures issued under the authority of this Act shall be paid off at par at a time or times to be mentioned in such debentures respectively ; and the interest on all such debentures shall be paid half-yearly on such days as shall be mentioned therein ; and the principal moneys and interest secured by such debentures shall be payable either at the treasury of the Secretary of State in London or at the Bank of England. 25

Debentures
and coupons
for interest
transferable
by delivery.

5. All or any number of the debentures issued under the authority of this Act, and all right to and in respect of the principal and interest moneys secured thereby, shall be transferable by the delivery of such debentures ; and the coupons for interest annexed to any debenture issued under the authority of this Act shall also 30 pass by delivery.

Capital stock
may be
created and
issued.

6. Any capital stock created under the authority of this Act shall bear such a rate of interest as the Secretary of State may think fit ; and such capital stock may be issued on such terms as may be determined by the Secretary of State ; and any such capital 35 stock may bear interest during such period, and be paid off at par at such time, as the Secretary of State may prescribe previously to the issue of such capital stock.

Transfer
books of
such capital

7. In case of the creation and issue of any such capital stock there shall be kept, either at the office of the Secretary of State 40

in London or at the Bank of England, books wherein entries shall be made of the said capital stock, and wherein all assignments or transfers of the same, or any part thereof, shall be entered and registered, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorised by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and the person or persons to whom such transfer or transfers shall be made may respectively underwrite his, her, or their acceptance thereof; and no other mode of assigning or transferring the said capital stock or any part thereof, or any interest therein, shall be good and available in law, and no stamp duties whatsoever shall be charged on the said transfers or any of them.

15. 8. The whole amount of the principal moneys to be charged on the revenues of India under this Act shall not exceed *two millions nine hundred and fifty thousand pounds.*

9. Upon or for the repayment of any principal money secured under the authority of this Act, the Secretary of State may at any time borrow or raise, by all or any of the modes aforesaid, all or any part of the amount of principal money repaid or to be repaid, and so from time to time as all or any part of any principal money under this Act may require to be repaid, but the amount to be charged upon the revenues of India shall not in any case exceed the principal money required to be repaid.

10. All bonds and debentures to be issued under this Act, and the principal moneys and interest thereby secured, and all capital stock to be issued under this Act, and the interest thereon, shall be charged on and payable out of the revenues of India, in like manner as other liabilities incurred on account of the Government of India.

11. The provisions contained in section four of the Act of the session holden in the fifth and sixth years of King William the Fourth, chapter sixty-four, with respect to the composition and agreement for the payment by the East India Company of an annual sum in lieu of stamp duties on their bonds, and the exemption of their bonds from stamp duties, shall be applicable with respect to the bonds and debentures to be issued under the authority of this Act, as if such provisions were here repeated and re-enacted with reference thereto.

40. 12. All provisions now in force in anywise relating to the offence of forging or altering, or offering, uttering, disposing of, or putting

[99.]

A 3

A.D. 1880.

stock to
be kept.

Amount
charged on
revenues of
India not
to exceed
2,950,000*l.*

Power to
raise money
for payment
of principal
money.

Securities,
&c. to be
charged on
revenues of
India.

Provisions as
to compo-
sition for
stamp duties
on India
bonds ex-
tended to
bonds and
debentures
issued
under this
Act.

Forgery of
debentures
and bills to

4 East India Loan (East Indian Railway Debentures). [43 VICT.]

A.D. 1880.

be punishable as forgery of East India bonds.

Saving borrowing powers of Secretary of State.

Stock created under this Act to be deemed East India stock.

Sect. 3, &c. of 33 & 34 Vict. c. 98. extended to capital stock created under this Act.

34 & 35 Vict. c. 29. extended to all capital stock issued by the Secretary of State under the authority of Parliament.

Short title.

off, knowing the same to be forged or altered, any East India bond, with intent to defraud, shall extend and be applicable to and in respect of any debenture or bond issued under the authority of this Act.

13. This Act shall not prejudice or affect any power of raising or borrowing money vested in the Secretary of State at the time of passing thereof. 5

14. Any capital stock created under this Act shall be deemed to be East India stock, within the Act twenty-second and twenty-third Victoria, chapter thirty-five, section thirty-two, unless and until Parliament shall otherwise provide; and any capital stock created under this Act shall be deemed to be and shall mean India stock within the Act of the twenty-sixth and twenty-seventh Victoria, chapter seventy-three, anything in the said last-mentioned Act to the contrary notwithstanding. 10 15

15. The provisions contained in the third section of the Act of the thirty-third and thirty-fourth Victoria, chapter ninety-three, and all other enactments in the said Act relating to or affecting such provisions, shall be extended and be applicable to any capital stock created under this Act. 20

16. The provisions contained in the Act of the thirty-fourth and thirty-fifth Victoria, chapter twenty-nine, shall be extended and be applicable to all capital stock issued or to be issued by the Secretary of State under the authority of Parliament.

17. This Act may be cited as the East India Loan (East Indian Railway Debentures) Act, 1880. 25

S C H E D U L E.

REDEEMABLE DEBENTURES OF EAST INDIAN RAILWAY COMPANY.

| Principal Moneys secured. | When payable. | Rate of Interest per Annum. | |
|---------------------------|-------------------|-----------------------------|----|
| <i>£</i> | | | |
| 1,000,000 | - 1 January 1881 | - 4½ per cent. | |
| 1,279,850 | - 12 July 1882 | - 4 per cent. | 30 |
| 230,150 | - 1 December 1882 | - 4 per cent. | |
| 440,000 | - 19 March 1883 | - 4 per cent. | |
| 2,950,000. | | | |

East India Loan (East Indian Railway Debentures).

B I L L

A

To enable the Secretary of State in Council of India, to raise money in the United Kingdom for the purpose of paying off or redeeming Debentures of the East Indian Railway Company.

(*Prepared and brought in by
Mr. Edward Stanhope and Mr. Chancellor of the
Exchequer.*)

*Ordered, by The House of Commons, to be Printed,
2 March 1880.*

[Bill 99.]

Under 1 oz.

Ecclesiastical Dilapidations Act (1871) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Compulsory insurance of ecclesiastical buildings in scheduled class.
2. Permissive insurance.
3. Appointment of insurance board.
4. Insurance premiums.
5. Borrowing powers.
6. Temporary exemptions as to existing insurances.
7. Application of surplus to the relief of incumbents.
8. Short title. Construction and repeal of 34 & 35 Vict. c. 43.
ss. 54 and 55.

SCHEDULES.

A

B I L L

TO

Amend the "Ecclesiastical Dilapidations Act, 1871," as to A.D. 1880.
insurance of Buildings.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. The incumbent of every benefice and every lay rector shall insure under this Act, and keep so insured, all buildings of the class described in the first schedule to this Act which he is as such bound to keep in repair. The insurance shall be to the amount of *three fifths* of the value of the buildings insured, or
10 to such greater amount as may be agreed upon between the incumbent and the board herein-after mentioned. The insurance shall be at a rate not exceeding *one shilling per cent.* of the value, and the declaration of the incumbent or rector as to the value, if made within a reasonable time, shall be conclusive unless objected
15 to by the board.

Compulsory
insurance of
ecclesiastical
buildings in
scheduled
class.

2. There may be insured under this Act on such terms as may be agreed upon with the board hereinafter mentioned,—

Permissive
insurance.

1. Any building not of the scheduled class which an incumbent of a benefice or a lay rector is as such bound to keep in repair.
20 2. Any cathedral or church.
3. Any building vested in or managed by the Ecclesiastical Commissioners for England, or belonging to or held in trust for the Church of England.
25 4. Any property contained in any building insured under this Act.

3. For the purposes of this Act the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy (in this Act referred to as the Governors) shall appoint

Appointment
of insurance
board.

2 Ecclesiastical Dilapidations Act (1871) Amendment. [43 VICT.]

A.D. 1880. a board of directors, not exceeding *twelve* in number, of whom six shall be Governors and three shall be incumbents of benefices. The board shall be a body corporate by the name of the Ecclesiastical Fire Insurance Board. With respect to the appointment, term of office, power and proceedings of the board, and the mode, 5 effect, and conditions of insurance under this Act, the rules in the second schedule to this Act shall be observed.

Insurance premiums. **4.** The premiums on insurances under this Act shall be payable in advance on such day in each year as the board may fix, not exceeding *fourteen days* before the commencement of the year for 10 which the premium is paid, and shall be recoverable in the same way as first fruits and tenths.

Borrowing powers. **5.** The Board may from time to time borrow at interest on the security of their premium fund money for the purposes of this Act ; and the Governors may, from time to time, with the consent 15 of the Commissioners of Her Majesty's Treasury, lend to the Board at the rate of *four per cent.* per annum any money under the control of the Governors.

Temporary exemptions as to existing insurances. **6.** All buildings required to be insured under this Act, and actually insured in some substantial office, at the time of the 20 passing of this Act, shall, during the existence of the current policies of insurance, be exempt from the operation of this Act ; and the insurance thereof under this Act shall take effect as from the expiration of such current policy. A building which is at the time of the passing of this Act insured by an incumbent under 25 an annual premium of less than one shilling for every hundred pounds shall not, during the term of his incumbency, be required to be insured under this Act if the insurance so effected by him is kept on foot.

Application of surplus to the relief of incumbents. **7.** The board shall within *two years* from the passing of this 30 Act frame a scheme for applying such surplus funds as may from time to time accrue to them under its provisions to the relief of incumbents from the charges arising under the Ecclesiastical Dilapidations Act, 1871, preference being given to those whose income does not exceed three hundred pounds a year. **35**

Short title. Construction and repeal of 34 & 35 Vict. c. 43. ss. 54, 55. **8.** This Act may be cited as the Ecclesiastical Buildings (Fire Insurance) Act, 1880, and shall be construed as one with the Ecclesiastical Dilapidations Act, 1871. Sections fifty-four and fifty-five of the Ecclesiastical Dilapidations Act, 1871, are hereby repealed. **40**

S C H E D U L E.

A.D. 1880.

FIRST SCHEDULE.

BUILDINGS REQUIRED TO BE INSURED UNDER THE ACT.

Parsonages and buildings covered with slates, tiles, or metal, and built on all 5 sides with brick or stone, and whereon no hazardous trade or manufacture is carried on, or hazardous goods deposited, except any building three fifths of the value of which exceeds two thousand five hundred pounds.

SECOND SCHEDULE.

APPOINTMENT, POWERS, AND PROCEEDINGS OF BOARD.

- 10 1. The Archbishop of Canterbury may, within two months after the passing of this Act, summon a meeting of the Governors to appoint directors for the execution of this Act.
- 15 2. Of the directors first appointed one third shall retire on the first of January one thousand eight hundred and eighty two, one third shall retire on the first of January one thousand eight hundred and eighty three and the remaining third shall retire on the first of January one thousand eight hundred and eighty four. The rotation in which the retirement takes place shall be determined by ballot.
- 20 3. The Governors shall, at some time in the month of December of the year one thousand eight hundred and eighty, and of every subsequent year, hold a meeting to appoint directors in the place of those to retire on the first of January then next.
- 25 4. Every director so appointed, unless he declines to act, shall come into office on the first of January next after the date of his appointment, and shall hold his office for the term of three years and no longer unless re-appointed.
5. A retiring director shall unless disqualified be re-eligible.
6. A casual vacancy in the office of director shall be filled by the Governors, but the person appointed to fill the vacancy shall hold office so long only as the vacating director would have held it if the vacancy had not occurred.
- 30 7. The death or retirement of a director by his refusal to act shall be deemed to create a casual vacancy.
8. No act or proceeding of the board of directors shall be questioned on account of any vacancy in their body.

4 Ecclesiastical Dilapidations Act (1871) Amendment. [43 VICT.]

A.D. 1880.

9. No defect in the qualification or election of a person acting as a director shall be deemed to vitiate any proceedings of the board or of any committee in which he has taken part in cases where the majority of members parties to the proceedings are entitled to act.

10. The board shall meet for the dispatch of business, and shall from time to 5 time make such regulations with respect to the summoning notice, place, management, and adjournment of their proceedings, and generally with respect to the management of business at meetings of the board, as they think fit, subject to this provision that the quorum shall consist of five.

11. The board shall at their first meeting in each year appoint one of their 10 number to be chairman, and one other of their number to be vice-chairman for the current year.

12. If a casual vacancy occurs in the office of chairman or vice-chairman the directors shall choose some member of their number to fill the vacancy.

13. If at any meeting neither chairman nor vice-chairman is present, then 15 the directors present shall choose one of their number to be chairman of the meeting.

14. Every question at a meeting of the directors shall be determined by a majority of votes, and in case of an equal division of votes the chairman of the meeting shall have a second vote. 20

15. The board may from time to time appoint and remove a secretary and such other officers as they deem requisite for the purposes of this Act, and may assign them such salaries as they deem expedient.

16. Provided that the officers, staff, and machinery of the Governors shall as far as practicable be made available and employed for the purposes 25 of this Act.

PART II.

INSURANCE UNDER THE ACT.

1. The Board shall keep a register of all properties insured, and the entry of any buildings in the register shall be conclusive evidence that an insurance 30 has been effected.

2. A certified copy of an entry in the register under the hand of the secretary of the board with a copy of the third part of the schedule to this Act, shall be issued by the board to the incumbent when the entry is made in the register, and similar copies shall be supplied to any person interested on 35 application.

3. Whenever a fire occurs, the amount due under the insurance shall be carried forthwith in the books of the board to the credit of the account of the incumbent, and shall be paid to him by instalments as may be

[43 VICT.] *Ecclesiastical Dilapidations Act (1871) Amendment.* 5

required for the purposes of rebuilding the property unless the board elect to A.D. 1880. reinstate the building.

4. The board shall as soon as reasonably may be after coming into office enter in the register kept by them all buildings required to be insured under this
5 Act, and for the purpose of enabling them to make their entries the incumbent of every benefice shall, before the twenty-fifth day of December one thousand eight hundred and eighty, send to the board in a form supplied by the board particulars of the buildings which he is required so to insure.
5. All money received by the board in respect of insurances under the Act
10 may be invested by them in the like securities upon which the Governors may for the time being invest money intrusted to them.
6. The insurance fund shall be the fund for the payment of expenses incurred under the Act.

THIRD SCHEDULE.

15 CONDITIONS OF COMPULSORY INSURANCE UNDER THE ACT.

1. Any material misdescription or mis-statement renders the insurance void.
2. If during the continuance of the insurance anything whereby the risk is increased is done to the building without the consent in writing of the board
20 the insurance thereby ceases to attach.
3. On the happening of any damage by fire the insured is to give notice in writing thereof to the board, and within fifteen days to deliver to the board as particular an account as practicable of the damage, and if required make a statutory declaration in support thereof.
- 25 4. If the claim is in any respect fraudulent, all benefit under the insurance is forfeited.
5. The board may reinstate a building damaged instead of paying the amount of the damage, and may join with any other society or insurers in so doing.
6. The insurance shall cover losses occasioned by lightning.
- 30 7. If any difference arises between the board and the insured, it shall be referred to the decision of two arbitrators, one chosen by the insurer and the other by the board, and in case of disagreement between them then by an umpire to be chosen by the arbitrators before entering on the reference, and the award of the arbitrators shall be final. The costs of the reference shall, unless the arbitrators otherwise direct, be borne by the board.

Ecclesiastical Dilapidations Act (1871) Amendment.

A

B I L L

To amend the "Ecclesiastical Dilapidations Act, 1871," as to insurance of Buildings.

(Prepared and brought in by

*Mr. Stanley Leighton, Mr. Whitewell,
Mr. Goldney, and Mr. Hardcastle.*)

Ordered, by The House of Commons, to be Printed,
6 February 1880.

[Bill 35.] *Under 1 oz.*

Educational Endowments (Scotland) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Interpretation of terms.
2. Short title.
3. Commencement of Act.

Commissioners.

4. Appointment of Commissioners.
5. Scope of Commission.
6. Powers of Commissioners.

Endowments subject to Commission.

7. Schemes not to interfere with modern endowments.
8. Date of oldest part of endowment to be date of endowment, unless conveniently separable.
9. Apportionment of mixed endowments.
10. Application to education of non-educational endowments.
11. Endowments for apprenticeship fees, maintenance, and clothing to be deemed educational.

Requisites of Schemes.

12. Vested interests.
- 13.
14. Interests of particular classes to be kept in view.
15. Benefits to be extended to girls.
16. Tenure of office of teachers.
17. Inspection, examination, and audit.
18. Provision for future alteration of schemes.

Procedure.

19. Preliminary inquiry.
20. Governing body may lodge draft scheme.
21. Printing and publication of draft schemes.

[Bill 288.]

a

Clause.

22. Governing body may lodge objections or alternative scheme.
23. Further inquiry.
24. As to framing of schemes.
25. Approval of Scotch Education Department to schemes.
26. Proceedings where scheme is remitted.
27. Quorum of Commissioners.
28. Quorum of governing body.
29. Special case to Court of Session on questions of law.
30. Deliverance of Court of Session final. Disposal of questions of expenses.
31. Scheme to be laid before Parliament, and approved by Order in Council.
32. New scheme on non-approval.
33. Amendment of schemes.
34. Evidence of scheme.
35. Inquiry at public sittings by Commissioner or assistant commissioner.
36. As to report of assistant commissioner.
37. Cost of publishing scheme.

Miscellaneous.

38. Service of notices.
 39. Service by post.
 40. Signature and evidence of documents of the Scotch Education Department.
 41. Annual reports.
 42. Returns, &c. by governing body.
 43. Duration of powers of making schemes.
-

A
B I L L

INTITLED

An Act to reorganise the Educational Endowments of A.D. 1880.
Scotland.

[Note.—*The words printed in red ink are proposed to be inserted in Committee.*]

WHEREAS Commissioners were appointed by Her Majesty under letters patent dated the twelfth day of September one thousand eight hundred and seventy-two to inquire into the nature and amount of endowments in Scotland applicable to educational purposes, and to report whether any and what changes in the administration and use of such endowments are expedient, by which their usefulness and efficiency may be increased :

And whereas the said Commissioners have made their report :

And whereas the Endowed Institutions (Scotland) Act, 1878, was 41 & 42 Vict. c. 48.
10 passed to amend the law relating to endowed schools and hospitals, and other endowed institutions in Scotland, and for other purposes :

And whereas the said Act will expire on the thirty-first day of December one thousand eight hundred and eighty ; provided that it shall be lawful for Her Majesty in Council, if special cause be 15 shown, to continue the said Act in force with respect to any endowed institution until the thirty-first day of July one thousand eight hundred and eighty-one :

And whereas it is desirable to extend the usefulness of educational endowments in Scotland, and to carry out more fully than is done 20 at present the spirit of the founders intentions, and so far as may be to make such endowments available for providing for boys and girls of promise of all classes higher education of the kind best suited to their capacity and the wishes of their parents :

Be it enacted by the Queen's most Excellent Majesty, by and with 25 the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. For the purposes of this Act, unless the context otherwise requires,—
- 30 “Educational endowment” shall mean any property, heritable or movable, dedicated to charitable uses, and which has been

[Bill 288.]

A

A.D. 1880.

applied or is applicable in whole or in part, whether by the declared intention of the founder or the consent of the governing body or by custom or otherwise, to educational purposes, other than endowments belonging to the Universities of Scotland which have already been dealt with by the Commissioners 5 under the Act passed in the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter eighty-three, which Act may be cited for all purposes as the Universities (Scotland) Act, 1858 :

“Governing body” shall mean the managers, governors, or trustees of any endowment or other persons having the administration of the revenues thereof :

“Scotch Education Department” shall mean the Lords of the Committee of the Privy Council on Education in Scotland :

“The Commissioners” shall mean the Commissioners appointed 15 under this Act, and “Commissioner” shall mean one of such Commissioners :

“The Court of Session” shall mean either division of the Inner House of the said Court.

Short title.

2. This Act may be cited as the Educational Endowments 20 (Scotland) Act, 1880.

Commencement of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-one, which date is in this Act referred to as the commencement of this Act.

Commissioners.

25

Appointment of Commissioners.

4. For the purposes of this Act it shall be lawful for Her Majesty to appoint five Commissioners, of whom the Lord Advocate for the time being shall be one, and to appoint a secretary to the Commissioners, such Commissioners and secretary to hold office during Her Majesty’s pleasure, and as vacancies occur in their 30 number to supply such vacancies. The Commissioners of Her Majesty’s Treasury may assign such salaries as they think fit to the said secretary, and to such assistant commissioners, officers, and clerks as may be appointed by the Commissioners during their pleasure, with the approval of the Commissioners of the Treasury. 35

Her Majesty may from time to time appoint one of the Commissioners to be chairman.

The salaries paid under this Act, together with the whole expenses of the Commissioners and of their office (which shall be in Edinburgh), including reasonable travelling and other expenses incurred in the discharge of their duties under this Act, shall be paid out of moneys to be voted by Parliament : 40

5. It shall be the duty of the Commissioners to reorganise A.D. 1880.
educational endowments with the aim especially of supplying Scope of
secondary or higher education in Scotland, whether in the industrial Commission.
arts, or as a preparation for commercial pursuits or for the universi-
ties.

6. The Commissioners shall have power after such examination Powers of
or public inquiry as they think proper to prepare drafts of schemes Commis-
altering to any extent the conditions, purposes, and provisions of sioners.
educational endowments, or amalgamating or dividing such endow-
10 ments, or altering the constitution of or removing the existing
governing bodies thereof, and establishing new governing bodies
corporate or unincorporate with such powers as they think fit, and
to insert in such schemes clauses incorporating the governing bodies,
whether old or new.

15 *Endowments subject to Commission.*

7. Nothing in this Act shall authorise the making of any scheme Schemes not
interfering with any educational endowment or part of such endow- to interfere
ment originally given less than fifty years before the commencement with modern
of this Act, or interfering with any endowment or part of an en- endowments.
dowment belonging to any State-aided school, or to any public 35 & 36 Vict.
school under the Education (Scotland) Acts, 1872 and 1878, unless c. 62.
the governing body of such endowment or the school board, as the 41 & 42 Vict.
case may be, assent to the scheme. c. 78.

Nothing in this Act shall authorise the making of any scheme
25 interfering with any endowment or part of an endowment which
has been regulated by a Provisional Order made and confirmed
pursuant to the provisions of the Endowed Institutions (Scotland) 32 & 33 Vict.
Act, 1869, or the Endowed Institutions (Scotland) Act, 1878, c. 39.
unless the governing body of such endowment assent to the scheme, 41 & 42 Vict.
30 or unless the governing body have, in the opinion of the Commis- c. 48.
sioners, failed to give effect to the provisions of such Provisional
Order.

8. Where part of an endowment has been given more than fifty Date of
years prior to the date of this Act and another part has been given oldest part of
35 within fifty years, and the two portions cannot in the opinion endowment
of the Commissioners, subject to appeal to the Court of Session, to be date of
on a case stated, as nearly as may be, in the manner herein- endowment,
after provided in regard to questions of law affecting schemes, unless con-
be conveniently separated from each other, the date of the older part veniently
40 of the endowment shall be held to be the date of the endowment. separable.

9. Where any part of an endowment is an educational endow- Apportion-
ment within the meaning of this Act, and part of it is applicable ment of
mixed endowments.

A.D. 1880. or applied to other charitable purposes, the scheme shall be in conformity with the following provisions (except so far as the governing body of such endowment assent to the scheme departing therefrom) ; that is to say,

- (1.) The part of the endowment or annual income derived therefrom which is applicable to such other charitable uses shall not be diverted by the scheme from such uses : 5
- (2.) The part of the endowment or annual income so applicable to such other charitable uses shall be deemed to be the proportion which, in the opinion of the Commissioners, 10 subject to appeal as aforesaid, is the average proportion which has during the three years before the passing of this Act been appropriated as regards capital or applied as regards income to such uses, or (if that proportion differs from the proportion which ought to or which might in 15 accordance with the express directions of the instrument of foundation or the statutes or regulations during the said three years governing such endowment have been so appropriated or applied) which ought to have been so appropriated or applied, or which might in the discretion 20 of the governing body have been so appropriated or applied :
- (3.) If the proportion applicable to other charitable uses exceeds one half of the whole of the endowment, the governing body of such endowment existing at the date of the 25 scheme shall, so far as regards its non-educational purposes, remain unaltered by the scheme :
- (4.) Where the governing body remains so unaltered, that body shall pay or apply for educational purposes such proportion as under the former provisions of this section is applicable 30 to those purposes, or such less sum as may be fixed by the Commissioners, subject to appeal as aforesaid :
- (5.) When during the said three years any portion of the endowment as existing at the commencement of such three years, or the annual income of such portion, has 35 been accumulated and not applied to any purpose, the Commissioners, subject to appeal as aforesaid, shall determine whether such portion or income is to be considered for the purposes of this section as having been appropriated or applied for educational purposes or for 40 other charitable uses.

Subject to the foregoing provisions of this section, the Commissioners shall have power by any scheme to deal with such endow-

ment, and with the governing body thereof, in the same manner in all respects as if the whole of it were an educational endowment. A.D. 1880.

10. The governing body of or any guild having an endowment or fund which is not an educational endowment within the meaning of this Act, if there are no persons who are entitled to benefit out of the endowment, or if the purposes of the endowment have failed altogether, or have become insignificant in comparison with the magnitude of the endowment, may apply to the Commissioners for a scheme under this Act, and upon their doing so the endowment shall be deemed to be, and may be dealt with in all respects as if it was, an educational endowment.

11. For the purposes of this Act endowments for the payment of apprenticeship fees, or for the advancement in life, or for the maintenance or clothing, or otherwise for the benefit of children educated at any school, shall be deemed to be and may be dealt with as educational endowments.

Application to education of non-educational endowments.

Endowments for apprenticeship fees, maintenance, and clothing to be deemed educational.

Requisites of Schemes.

12. In framing schemes the Commissioners shall save or shall make due compensation for the vested interests of individuals holding any office or entitled to any benefit under or arising out of the educational or other endowment at the date of the passing of this Act:

Vested interests.

13. Every interest, right, privilege, or preference which any person may acquire after the passing of this Act, in or relative to any educational endowment, or in the governing body thereof, or as member of any such governing body, or in or relative to any mastership, office, place, employment, pension, compensation allowance, bursary, or emolument in the gift of any such governing body, shall be subject to the provisions of any scheme made under this Act; and the governing body of an educational endowment shall not, during the continuance of the power of making schemes under this Act, begin to build, rebuild, or enlarge any school buildings, or teachers residences, or buildings connected therewith, except with the written consent of the Commissioners, or under the directions of such a scheme, but this provision shall not prevent them from continuing any works begun before the passing of this Act, or from doing anything necessary for the repair or maintenance of buildings or residences existing at the passing of this Act.

14. In framing schemes it shall be the duty of the Commissioners to have due regard to the spirit of founders intentions, and in every scheme which abolishes or modifies any

Interests of particular classes to be kept in view.

A.D. 1880. privileges or educational advantages to which a particular class of persons is entitled, whether as inhabitants of a particular area or as belonging to a particular class in life or otherwise, they shall have due regard to the educational interests of such class of persons. 5

Benefits to be extended to girls.

15. In framing schemes provision shall be made so far as conveniently may be for extending to girls the benefit of endowments.

Tenure of office of teachers.

16. In every scheme the Commissioners shall provide for the dismissal at pleasure of every teacher and officer in the endowed school to which the scheme relates, including the principal teacher, with or without a power of appeal in such cases and to such authority as to the Commissioners may seem expedient. 10

Inspection, examination, and audit.

17. Every scheme shall provide for the periodical inspection and examination of any school sharing in any endowment, and for the periodical audit of the accounts of any endowment dealt with by the scheme, in such manner as the Scotch Education Department may from time to time prescribe. The cost of such inspection, examination, or audit shall be paid out of the funds of the endowment to which or to any school sharing in which the same relates. 15

Provision for future alteration of schemes.

18. In any scheme the Commissioners may provide for the alteration from time to time of such portions of the scheme as they think expedient by the Court of Session upon application made with the consent of the Scotch Education Department by the governing body or any party interested, provided such alteration shall not be contrary to anything contained in this Act. 20 25

Procedure.

Preliminary inquiry.

19. Before preparing the draft of a scheme for any endowment the Commissioners may make such examination or inquiry as they think proper, and shall give the governing body an opportunity of being heard. 30

Governing body may lodge draft scheme.

20. Any governing body may within three months after the commencement of this Act give notice in writing of their intention to submit a draft scheme for the consideration of the Commissioners, and if after such notice they submit such a scheme within six months after the commencement of this Act the Commissioners shall take it into consideration in preparing their scheme. 35

Printing and publication of draft schemes.

21. When the Commissioners have prepared the draft of a scheme they shall cause it to be printed, and printed copies of it to be sent to the governing body or governing bodies of the educational

endowment or endowments to which it relates, and to the principal teacher of any endowed school to which it relates, and shall also cause the draft, or a proper abstract of it, to be published and circulated in such manner as they think sufficient for giving information to all persons interested.

22. During two months after the first publication of the draft of a scheme the Commissioners shall receive and consider any objections or suggestions made to them in writing respecting such scheme, and shall receive and consider any alternative scheme submitted to them by the governing body of any educational endowment to which the scheme of the Commissioners relates.

23. At any time after the expiration of the two months the Commissioners, or any one of them, if they think fit, may hold an inquiry, or they may refer the draft of the scheme and the alternative scheme, if any, to an assistant commissioner, and direct him to hold an inquiry concerning the subject-matter of such scheme or schemes.

24. As soon as may be after the expiration of the said two months, or the holding of such inquiry by the Commissioners or one of them, or the receipt by the Commissioners of the report of the assistant commissioner on the inquiry held by him (as the case may be), the Commissioners shall proceed to consider any objections or suggestions made to them in writing respecting the draft scheme, and to consider the alternative scheme (if any), and the report (if any), and thereupon they shall, if they think fit, frame a scheme in such form as they think expedient, and submit it for the approval of the Scotch Education Department: Provided that where a scheme has been prepared and submitted in pursuance of this Act to the Commissioners, before the Commissioners have prepared the draft of a scheme, the Commissioners shall, if requested by the governing body which submitted it, submit such scheme with their own to the Scotch Education Department.

25. The Scotch Education Department, as soon as a scheme is submitted to them, shall, before approving the same, cause the scheme to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during two months after the first publication of such notice the Scotch Education Department will receive and consider any objections or suggestions made to them in writing respecting such scheme.

After the expiration of the said two months, unless a case has been submitted to the Court of Session within the time and in the manner herein-after provided, the Scotch Education

Governing
body may
lodge objec-
tions or al-
ternative
scheme.

Further in-
quiry.

As to
framing of
schemes.

Approval of
Scotch Edu-
cation De-
partment to
schemes.

A.D. 1880. Department may, if they think fit, approve the scheme or may remit the scheme, with such declaration as the nature of the case seems to them to require, to the Commissioners, and if they remit the scheme with a declaration the provisions contained in the immediately succeeding section shall apply.

5

The Scotch Education Department as soon as they approve a scheme shall forthwith cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice that unless within two months after the publication of the scheme 10 as approved a petition is presented to the Scotch Education Department as in this section mentioned, such scheme may be approved by Her Majesty by an Order in Council without being laid before Parliament.

During the said two months a petition praying that the scheme 15 may be laid before Parliament may be presented to the Scotch Education Department by the governing body of the endowment to which the scheme relates, or by the town council of any municipal burgh directly affected by the scheme, or by any ratepayers (not less than twenty) of any municipal burgh or 20 parish or place directly affected by the scheme, or by any person or persons having a vested interest in the endowment or any part of it.

Proceedings
where scheme
is remitted.

26. Where a scheme is remitted with a declaration the Scotch Education Department shall transmit to the Commissioners any objections or suggestions made to them in writing respecting such 25 scheme, and the Commissioners may either proceed to prepare another scheme in the matter, in the same manner as if no scheme had been previously prepared, or may submit for the approval of the Scotch Education Department such amendments in the scheme as will bring it into conformity with the declaration.

30

The Scotch Education Department may, if they think fit, approve the scheme with such amendments, and shall cause the same to be published and circulated in the same manner, and subject to the same provisions as is in this Act directed in the case of the approval of a scheme, and so on from time to time as often as occasion may 35 require.

Quorum of
Commissioners.

27. A scheme of the Commissioners shall not be submitted to the Scotch Education Department unless three at least of the Commissioners have signified in writing their approval of such scheme, but in all other respects one Commissioner may act under 40 this Act.

Quorum of
governing
body.

28. The majority of members of a governing body who are present at a meeting of their body duly constituted shall have

power to do anything that may be required to be done by a governing body for the purposes of this Act: Provided that this power shall be in addition to and not in restraint of any power which any meeting of such governing body may have independently of this Act.

A.D. 1880.

29. If the governing body of any endowment to which a scheme relates, or any person or body corporate directly affected by such scheme, feels aggrieved by the scheme on the ground—

Special case
to Court of
Session on
questions of
law.

1. Of any decision of the Commissioners in a matter in which an appeal to the Court of Session is given by this Act;
 2. Of the scheme not saving or making due compensation for his or their vested interests as required by this Act;
 3. Of the scheme being one which is not within the scope of, or made in conformity with this Act; or
 4. (If the governing body are the petitioners) of a scheme not having due regard to any educational interests, to which regard is required by this Act to be had, on the abolition or modification of any privileges or educational advantages to which a particular class of persons is entitled,
- such governing body, person, or body corporate may, within one month after the first publication of the scheme, submit a case to the Court of Session, to which the Commissioners and any others directly interested shall be necessary parties, for the opinion of the said Court on the question of the legality of the scheme, and if the Court is of opinion that the scheme is contrary to law the Scotch Education Department shall not approve thereof.

30. In any appeal, application, or proceeding before the Court of Session authorised by this Act, the judgment or deliverance of the Court shall be final and not subject to review; and the Court shall dispose of all questions of expenses, and may, if they think fit, direct the expenses or any part thereof (including the expenses of the Commissioners) to be paid out of the funds of the educational endowment to which the appeal, application, or proceeding relates: Provided always, that it shall not be lawful for the Court to find the Commissioners liable in expenses.

Deliverance
of Court of
Session final.
Disposal of
questions
of expenses.

31. If at the expiration of the time for a petition to the Scotch Education Department praying that a scheme be laid before Parliament no such petition has been presented, it shall be lawful for Her Majesty, by Order in Council, to declare her approbation of such scheme without the same being laid before Parliament.

Scheme to be
laid before
Parliament,
and approved
by Order in
Council.

If any such petition has been presented, the Scotch Education Department shall, as soon as may be, cause the scheme to be laid

A.D. 1880. before both Houses of Parliament ; and after it has lain forty days before Parliament, then, unless within such forty days an address has been presented by one or other of the said Houses praying Her Majesty to withhold her consent from such scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme or any part thereof, to which such address does not relate.

A scheme when approved by Her Majesty in Council shall have full operation and effect from the date of such Order in Council, in the same manner as if it had been enacted in this Act ; and thereupon every Act of Parliament, letters patent, statute, deed, instrument, trust, or direction relating to the subject matter of the scheme, and inconsistent with the provisions thereof, shall be repealed and abrogated.

New scheme
on non-
approval.

32. If any Scheme or any part thereof is not approved by Her Majesty, then the Commissioners may thereupon proceed to prepare another scheme in the matter, and so on from time to time as often as occasion may require.

Amendment
of schemes.

33. Schemes may be from time to time framed and approved for amending any scheme approved under this Act, and all the provisions of this Act relative to an original scheme shall apply also to an amending scheme, mutatis mutandis.

Evidence of
scheme.

34. The Order in Council approving a scheme shall be conclusive evidence that such scheme was within the scope of and made in conformity with this Act, and the validity of such scheme and order shall not be questioned in any legal proceedings whatever.

Inquiry at
public sittings
by Commis-
sioner or
assistant
commis-
sioner.

35. Where any Commissioner or assistant commissioner holds a local inquiry for the purposes of a scheme under this Act, whether before or after the first publication of a draft scheme, he shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the place where the educational endowment to which the scheme relates is situate or administered, and shall thereat take and receive any evidence, oral or documentary, offered, or which may have been called for or produced under the powers contained in the immediately succeeding section, and shall hear and inquire into any objections or suggestions made or to be made during the sitting or sittings respecting the scheme or the educational endowment, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Commissioners direct of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

36. In the execution of this Act the Commissioners shall have the same powers as a judge of the Court of Session with regard to the citation and examination of witnesses and the recovery and inspection of documents, and it shall not be necessary that any warrant of citation or order shall be signed by more than one Commissioner, and if any warrant or order of the Commissioners in exercise of the said powers is not obeyed, a judge of the Court of Session may on summary application by the Commissioners grant a second warrant of citation and diligence in ordinary form, or make any other order as may be necessary.

This section shall authorise the citation and examination of witnesses and the recovery and inspection of documents before one or more Commissioners or before an assistant Commissioner; and any Commissioner or assistant Commissioner may administer an oath or affirmation, as the case may be, to any witness or haver.

37. The assistant commissioner who holds a local inquiry shall make a report in writing to the Commissioners, setting forth the result of the inquiry, and where a draft scheme with or without an alternative scheme has been referred to him, whether in his opinion such draft or alternative scheme, as the case may be, should be approved with or without alteration, and if with any then with what alteration, and his reasons for the same, and the objections and suggestions, if any, made on the inquiry and his opinion thereon.

38. The cost of publishing and circulating any draft scheme, or abstract thereof, or any scheme under this Act, shall be paid out of the funds of the endowment to which the same relates.

Miscellaneous.

39. Notices and documents required to be served on or sent to a governing body for the purposes of this Act may be served or sent by being left at the office, if any, of such governing body, or being served on or sent to the chairman, secretary, clerk, or other officer of such body, or if there is no office, chairman, secretary, clerk, or officer, or none known to the Commissioners after reasonable inquiry, by being served on or sent to the principal teacher of the endowed school, if any, under such governing body.

40. Notices and documents required to be served or sent for the purposes of this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notices or documents was properly addressed and put into the post office.

A.D. 1880.
Power to
cite wit-
nesses, &c.

As to report
of assistant
commis-
sioner.

Cost of
publishing
scheme, &c.

Service of
notices.

A.D. 1880.

Signature
and evidence
of documents
of the Scotch
Education
Department.

Annual
reports.

Returns, &c.
by governing
body.

Duration of
powers of
making
schemes.

41. Any scheme, declaration, minute, notice, or other document for the purposes of this Act, if purporting to be signed by a secretary or assistant secretary of the Scotch Education Department, shall, unless the contrary is proved, be deemed to have been so signed and to have been approved or made, as the case may be, 5

by the said Department.

42. The Commissioners shall in every year make to the Scotch Education Department a report of their proceedings under this Act during the preceding year, and the Scotch Education Department shall cause such report to be laid with all convenient speed before 10

both Houses of Parliament.

43. Every governing body shall make such reports and returns and give to the Commissioners such information as to the funds, estates, property, and income under the control of the governing body as 15

the Commissioners may from time to time require.

Every governing body shall make such reports and returns and give such information to the Scotch Education Department as the Department may from time to time require.

44. The powers of making and approving of a scheme under this Act shall not, unless continued by Parliament, be exercised 20

after the thirty-first of December one thousand eight hundred and eighty-three, or such farther day not later than the thirty-first of December one thousand eight hundred and eighty-five as may be appointed by Her Majesty in Council.

**Educational Endow-
ments (Scotland).**
[H.L.]

A

B I L L

INTITLED

An Act to reorganise the Educational
Endowments of Scotland.

(Brought from the Lords 27 July 1880.)

Ordered, by The House of Commons, to be Printed,
27 July 1880.

[Bill 288.]

Under 2 oz.

A

B I L L

TO

Amend and extend the Education (Scotland) Acts of 1872 A.D. 1880.
and 1878.

WHEREAS it is expedient to make further provision for the education of destitute and neglected children in Scotland, and to amend and extend the Education, Scotland, Acts, 1872 and 1878:

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Education (Scotland) Acts, 1872 Short title.
10 and 1878, Extension.

2. The Elementary Education Act, 1876, so far as regards sections eleven to fourteen inclusive and sections sixteen and seventeen, shall extend to and apply to Scotland, with this variation that the words "local authority" shall mean any school board, and a court 15 of summary jurisdiction shall have the meaning assigned to the term "magistrate" in the Industrial Schools Act, 1866.

Sections 11
to 14 and 16
and 17 of
39 & 40 Vict.
c. 79. to apply
to Scotland.

3. This Act shall extend to Scotland only.

Extent of
Act.

Elective County Boards (Ireland).

A

B I L L

To establish Elective County Boards in
Ireland.

(Prepared and brought in by
Major Nolan, Mr. Fay, Mr. O'Clery, and
Mr. O'Sullivan.)

Ordered, by The House of Commons, to be Printed,
9 February 1880.

[Bill 64.]

Under 2 oz.

Elective County Boards (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. An elective board substituted for grand jury.
2. Board to consist of twenty-four members.
3. County to be divided into board districts.
4. Determination of number of members to be allotted to each district.
5. Qualification of board members.
6. Qualification of voter.
7. Date of election.
8. Notice of election.
9. Mode of nomination.
10. Returning officer to decide on validity of nomination paper.
11. Candidate may resign.
12. If more candidates than local members to be returned, poll to be adjourned.
13. Voting to be by ballot.
14. Ballot-boxes may be forwarded by post.
15. Votes to be counted as provided by Ballot Act.
16. Returning officer to return board members.
17. County board a body politic.
18. Meetings of county board.
19. Acts of board valid when not complete.
20. Officers of grand jury transferred to county board.
21. Constabulary to post notices.
22. Corrupt Practices Municipal Act, 1872, incorporated with Act.
23. Ballot Act, 1872, incorporated with Act.
24. Ballot papers to be dealt with as in Ballot Act.
25. Barony constable to assist.
26. Dates to be altered.
27. Elections not to be held on Sunday.
28. Returning officer entitled to expenses.

[Bill 64.]

A

Clause.

29. County board to present for expenses.
30. No paid agents.
31. Sheriff returning officer.
32. Sections of Commissioners Clauses Act incorporated.
33. Lord Lieutenant to make orders.
34. Orders to be laid before Parliament.
35. Meaning of terms.
36. Title of Act.
37. Act may be amended.
38. Extent of Act.

SCHEDULES.

A

B I L L

TO

Establish Elective County Boards in Ireland.

A.D. 1880.

WHEREAS it is expedient that the control of the money raised for local purposes in the different counties of Ireland by the county cess and similar rates should be under the supervision and direction of persons elected by those who pay such rates:

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

1. A board shall be established in each county in Ireland to be called the county board of such county, and from and after the establishment of such county board all powers and duties vested in or imposed on the grand jury of such county by the several Acts of Parliament mentioned in the first schedule annexed hereto shall be transferred to and imposed on the said county board, and shall cease to be exercised or performed by such grand jury, and except as otherwise provided by this Act, shall be exercised and performed by such county board in like manner and form and subject to the same conditions, liabilities, and incidents respectively as such powers and duties might before the passing of this Act have been exercised and performed by such grand jury or by the authorities in whom the same were then vested respectively, or as near thereto as circumstances admit.

An elective
board sub-
stituted for
grand jury.

2. The county board shall consist of twenty-four board members, to be elected as afterwards provided.

Board to
consist of
twenty-four
members.

25 Eight of the so elected twenty-four board members shall retire each year, but shall be capable of re-election.

3. The Lord Lieutenant by and with the advice of the Privy Council in Ireland shall before the *first of October one thousand eight hundred and eighty* divide each county in Ireland into board districts for the election of board members, and may after such

[Bill 64.]

A 2

A.D. 1880.

division alter same at the recommendation of the county board for such county. In making such division or alterations the Lord Lieutenant shall make each board district to consist of one or more polling districts, as constituted by the Ballot Act, 1872. The number of board districts shall not in any county exceed eight. 5

Determina-
tion of
number of
members to
be allotted to
each district.

4. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, shall before the *first of October one thousand eight hundred and eighty* determine and may from time to time alter, at the recommendation of the county board, the number of board members to be elected from each board district. Such 10 number being, however, either not less than three or more than six. In making such allotments the Lord Lieutenant shall as far as possible allot to each board district board members in the same proportion to the twenty-four to be returned for the county which the number of voters in such board district bears to the whole number 15 of voters in the county in which such district is situated.

Qualification
of board
members.

5. Every person shall be capable of being elected a board member for any county board who shall be at the time of such election a registered voter for candidates for parliamentary elections for the county for which such board is constituted, or who shall be a peer 20 owning or occupying any real property within the county.

Qualification
of voter.

6. At every election of board members for a county board in any board district every person who shall then be a registered voter in such district for candidates for parliamentary elections shall be entitled to vote for the board members allotted to such district. No 25 person shall be entitled to vote at more than one polling place in the county at any election. Every person qualified to vote shall be entitled to vote for a number of candidates equal to the number of board members to be returned at the time of such election by the district in which he votes. 30

Date of
election.

7. On the *first day of November one thousand eight hundred and eighty*, the twenty-four board members for the ensuing year, to be counted from the *first day of November*, shall be elected. On the *first day of November* in every subsequent year the eight board members to be elected in place of those retiring by rotation shall be 35 elected.

Notice of
election.

8. The returning officer shall on the *twentieth day of October* in every year prepare and issue a notice in the form to be approved of by the Lord Lieutenant and the Privy Council, and shall cause such notice to be duly posted on every church and other place of 40 worship, and also on every courthouse, police station, market-place, and other usual place for posting public notices, that on the *first*

day of November next he shall proceed to the election of board members, and will up to four o'clock on the *first day of November* receive nominations for candidates for election for the different board districts of said county for which board members are to be elected. The notice to be published on the *twentieth of October* one thousand eight hundred and eighty shall state that twenty-four board members are to be elected, and also the number of board members to be elected by each district, specifying same. The notice to be published in every year subsequent to the *twentieth of October* one thousand eight hundred and eighty shall state the number of board members to be elected in place of those retiring by rotation, the districts for which they are to be elected, and the names of the board members then going out of office.

9. Every nomination shall be in writing and in the form in the *Mode of nomination.*

15 second schedule hereto. Every such nomination paper shall be signed by two voters as proposer and seconder. Every such nomination paper shall be delivered to the returning officer at the usual place for holding parliamentary elections for the county for which the board is to be constituted, or to such other persons as he may appoint to receive the same if he thinks fit in the different board districts.

20 Such nomination papers may be transmitted by post.

10. The returning officer shall carefully preserve every nomination paper received by him, and on the receipt thereof shall mark on each a number and date according to the order in which the same shall be received. He shall also compare each nomination paper with the registry of voters and ascertain whether the several persons mentioned in each nomination paper are in all respects duly qualified to nominate and be nominated respectively. In the event of his considering any nomination paper *informal*, he shall 25 within one hour after receipt of same put on the door of courthouse that he has rejected such nomination paper, and state the reason for doing so.

The returning officer shall decide on the validity of every objection made to a nomination paper, and his decision of rejecting the 35 objection shall be final ; but if allowing the same, shall be subject to reversal on petition questioning the election or return.

11. If any person put in nomination for the office of board member shall at any time before four o'clock on the *first day of November* duly tender to the returning officer his refusal in writing to such 40 office, the returning officer shall omit and strike out the name of such person from the list of candidates.

Returning officer to decide on validity of nomination paper.

Candidate may resign.

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If more candidates than local members to be returned, poll to be adjourned.

12. On the *first day of November* in every year, if the candidates for any board district shall not exceed the number of board members to be then elected for such district, the returning officer shall on said day declare such candidates except such as may have declined to act to be the board member for such district, and shall certify the same 5 accordingly. When the candidates duly nominated for any board district shall exceed the number of board members to be elected for such district, the returning officer shall on the *first day of November* adjourn the poll for such board districts to that day week. If for 10 any board district no candidates are nominated or not a sufficient number to fill up the vacancies in such district, the returning officer shall return as many of the outgoing board members of such district as board members for the ensuing year for such district as necessary to make the prescribed number of board members for such district complete. In making such returns the returning 15 officer shall select those who at the then last contested election for such district received the greater number of votes.

Voting to be by ballot.

13. The poll at any contested election for board members shall be conducted by the returning officer, and shall, so far as circumstances admit, be conducted in the manner in which the poll is under the 20 Ballot Act, 1872, directed to be conducted at all contested parliamentary elections, subject to the modifications contained in this Act, and shall be by ballot; and such provisions of the Ballot Act, 1872, as relate to or are concerned with the poll at a parliamentary election shall apply to a poll at a contested county board election: 25 Provided as follows, the term "petition questioning the election or return" shall mean any proceeding in which a county board election can be questioned.

Each voter shall vote at the polling place at which he would be entitled to vote in a parliamentary election, and the returning 30 officer shall make arrangements for receiving votes at each parliamentary polling place in those board districts of which the representation is contested.

Ballot-boxes may be forwarded by post.

14. The several ballot-boxes used in the different polling places shall be forwarded to the returning officer in such manner as the 35 Lord Lieutenant shall direct with the advice of his Privy Council. It shall be lawful for the Lord Lieutenant to authorise the ballot-boxes to be transmitted by post subject to such regulations as he shall think fit.

Votes to be counted as provided by Ballot Act.

15. On the *tenth day of November* and from that day continuously 40 the receiving officer shall proceed to count the votes for the different candidates for board districts. If all the ballot-boxes have not

A.D. 1880.

then arrived the receiving officer may adjourn such counting for such time as he thinks fit. The votes shall be counted, so far as circumstances admit, as is provided in the case of parliamentary elections by the Ballot Act, 1872, and such provisions of said Act as 5 relate to or are concerned with the counting at a parliamentary election shall apply to the counting at a contested county board election.

16. As soon as such counting shall have taken place, or, in the event of there being no contest for any board district, on the *first day of November*, the returning officer shall make a return, under 10 his hand and seal in the manner to be appointed by the Lord Lieutenant with the advice of his Privy Council, of the name of every board member whom he shall declare to be returned.

Returning
officer to re-
turn board
members.

In the case of a contest for any board district the names of all candidates and the number of votes they received shall be returned. 15 In case there shall have been no candidates for any board district, or in case the number of candidates shall be less for any board district than the number of local members to be returned for such district, this fact shall be so stated. The returning officer shall forthwith publish such return. As soon as the receiving officer 20 shall have signed such return in manner aforesaid the members so returned shall be deemed board members of the county board for the ensuing year. The return when made shall be given to the secretary of the county board, who is to preserve same. The returning officer shall transmit a duplicate of such return to the 25 clerk of the hanaper.

The county board in each county shall be deemed to be established as soon as the returning officer of such county makes a return as aforesaid.

In case of an equality in the number of votes for any two or 30 more candidates the returning officer, if necessary to prevent an excess in the number of board members for any board district, shall decide by lot which of such candidates are to be elected.

17. The county board for every county while so acting shall be and are hereby declared to be a body politic and corporate, and 35 shall be called by the name of the "County Board for the County of _____," and are hereby authorised and enabled by that name to sue and be sued, plead and implead in law and equity.

County
board a body
politic.

18. The county board shall meet at such times and at such places as shall be enjoyned by order of the Lord Lieutenant with 40 the advice of the Privy Council.

Meetings of
county
board.

The county board shall during the time of the assizes transact no fiscal business without the permission of the judge of assizes as

A.D. 1880. heretofore obtained by the grand jury. The county board shall during each assizes transmit to the judge of assizes any presentments they may have agreed to in the same manner that same have heretofore been transmitted by the grand jury.

Acts of board valid when not complete.

19. In case the full number of board members shall not be elected at any election of board members for the time being, or in the event of any vacancy occurring in such county board by the death or disqualification to act of any board member, the other or remaining board members of the said county shall continue to act until the next election, or until the completion of such board, as if no such vacancy occurred, and as if the number of such board were complete.

Officers of grand jury transferred to county board.

20. In every county all officers, clerks, barony constables, the present secretary of the grand jury, and all other persons employed in or about the execution of the powers and duties by this Act transferred to the county board, shall, from and after the *eighth day of November one thousand eight hundred and eighty*, be attached to and under the control of the county board for such county.

Constabulary to post notices.

21. The nominating officer shall be entitled to require the constabulary of the county in which any election may take place to post all notices required to be given for the carrying out of this Act.

Corrupt Practices Municipal Act, 1872, incorporated with Act.

22. The Corrupt Practices Municipal Act, 1872, shall be incorporated with this Act: Provided as follows,—

25

“Borough” includes county.

“Office” includes sheriff, sub-sheriff, and board member.

“Town clerk” includes clerk of the peace.

“Borough rate or fund” includes rate under the sixth and seventh William the Fourth, chapter one hundred and sixteen.

“Register” includes the different parliamentary voting lists for the polling districts which form any board district.

Ballot Act, 1872, incorporated with Act.

23. The Ballot Act, 1872, shall be incorporated herewith: Provided as follows,—

35

(a.) In Part III. the expression “municipal” includes county board:

(b.) In the application of the provisions of the first schedule of the Ballot Act, 1872, to county board elections, the following modifications shall be made. 1. An order of the civil bill court having jurisdiction in the county or any part thereof, or of any tribunal in which a county board election is questioned, shall be substituted for an order of the House of Commons, or of one of Her Majesty’s superior

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courts, but an appeal from such civil bill court may be had in like manner as in other cases in such civil bill court; 2. Nothing in such schedule with respect to time to elapse from day of poll to day of nomination shall apply to a county board election.

5 The returning officer shall have a similar right to require the use of any room and of any ballot-boxes, as provided by section six and fourteen of such Act for parliamentary elections.

24. The returning officer shall forward all ballot papers and all other documents connected with the election to the clerk of the hanaper office, and transfer in the same manner all such documents as are directed to be forwarded in contested parliamentary elections by the Ballot Act, 1872, all which documents shall be dealt with and liable to be produced and inspected so far as circumstances 10 admit in the same way and manner as such documents are now dealt with by the Ballot Act, 1872.

25. The returning officer shall be entitled to require any barony constable in the county for which an election is being held to preside for him at any polling station on payment to him of the sum 20 of *three guineas*.

Any barony constable neglecting to preside when so required shall be liable to pay to the returning officer whatever sum such officer may have had to pay a deputy to preside in his place. Such sum may be recovered before the chairman of the Civil Bill Court 25 of such county.

26. All dates in this Act on which matters are ordered to be done may from time to time be altered by the Lord Lieutenant, with the advice of his Privy Council, at the recommendations of the county board for the county for which such alteration is made.

30 27. In every case where any date on which any matter or thing ordered to be done under this Act shall fall on a Sunday, such matter or thing shall be done on the following day.

28. The county board shall pay to the returning officer the expenses of carrying out an election under this Act. Such expenses 35 shall not exceed for each polling place in the county the sum of three pounds.

29. It shall and may be lawful for the county board of each county, and such county board is hereby required to present (without previous application to presentment sessions), to be raised off such 40 county, such sum as the returning officer may be entitled to for expenses in carrying out elections under this Act.

30. No candidate shall be allowed to employ any paid agent as a canvasser on his behalf. The election of any candidate who employs such an agent shall be void.

A.D. 1880.

31. The sheriff of each county shall be the returning officer for the election of the county board.

Sheriff
returning
officer.
Sections of
Commis-
sioners
Clauses Act
incorporated.
10 Vict. c. 16.

32. The following sections of the Commissioners Clauses Act, 1847, shall be incorporated in this Act, sections 2, 3, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 25, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, 53, 55, 56, 60, 62, 64, 96, 97, 98, 99, 100, 101 : Provided as follows in the above sections : commissioner includes board member ; ward includes board district ; annual meeting shall mean first meeting in each year of board members after their election. In section 17, for first Thursday of September shall be substituted 10 first of November. In section 20, commissioners shall mean twenty-four elected commissioners.

Lord Lieu-
tenant to
make orders.

33. The Lord Lieutenant with the advice of the Privy Council in Ireland may and is hereby required on or before the *twentieth day of October one thousand eight hundred and eighty* to make 15 general orders for the purpose of carrying this Act into effect and for regulating the forms and procedure at board elections : Provided always, that in making such general orders regard shall be had to preserving the secrecy of the ballot.

Orders to be
laid before
Parliament.

34. All such general orders as aforesaid shall immediately after 20 the making and issuing thereof be laid before both Houses of Parliament if then sitting ; or if Parliament be not then sitting, within five days after the next meeting thereof : Provided always, that if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such general orders have been laid before such 25 Houses of Parliament, resolve that the whole or any part of such general orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall from and after such resolution cease to be binding.

Meaning of
terms. .

35. The following words or expressions in this and any Act 30 incorporated therewith, and in any Act mentioned in the first schedule hereto, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction ; (that is to say,) 35

Secretary or secretary to general jury includes secretary to county board :

Real property shall include chattels real :

Registry of voters, registry of voters for parliamentary elections.

Title of Act.

36. This Act may be cited as the County Board (Ireland) Act, 1880.

40

Act may be
amended.

37. This Act may be amended or repealed during the present session.

Extent of
Act.

38. This Act shall extend to Ireland only.

S C H E D U L E S.**SCHEDULE I.**A.D. 1880.

| | | |
|---------------------------|----------------------------|-----------------------|
| 50 Geo. III. c. 102. | 8 & 9 Vict. c. 81. | 19 & 20 Vict. c. 37. |
| 1 & 2 Geo. IV. c. 33. | 8 & 9 Vict. c. 107. | 19 & 20 Vict. c. 63. |
| 5 4 Geo. IV. c. 33. | 9 & 10 Vict. c. 2. | 19 & 20 Vict. c. 68. |
| 4 Geo. IV. c. 43. | 9 & 10 Vict. c. 37. | 19 & 20 Vict. c. 99. |
| 5 Geo. IV. c. 93. | 9 & 10 Vict. c. 71. | 20 & 21 Vict. c. 15. |
| 6 Geo. IV. c. 52. | 9 & 10 Vict. c. 86. | 21 & 22 Vict. c. 103. |
| 6 Geo. IV. c. 101. | 9 & 10 Vict. c. 97. | 23 Vict. c. 4. |
| 10 7 Geo. IV. c. 74. | 9 & 10 Vict. c. 115. | 23 & 24 Vict. c. 119. |
| 3 & 4 Wm. IV. c. 37. | 10 & 11 Vict. c. 87. | 23 & 24 Vict. c. 152. |
| 3 & 4 Wm. IV. c. 78. | 11 & 12 Vict. c. 1. | 23 & 24 Vict. c. 150. |
| 4 & 5 Wm. IV. c. 90. | 11 & 12 Vict. c. 26. | 24 & 25 Vict. c. 63. |
| 6 & 7 Wm. IV. c. 13. | 11 & 12 Vict. c. 32. | 24 & 25 Vict. c. 71. |
| 15 6 & 7 Wm. IV. c. 116. | 11 & 12 Vict. c. 51. | 25 & 26 Vict. c. 106. |
| 7 Wm. IV. & 1 Vict. c. 2. | 11 & 12 Vict. c. 69. | 27 & 28 Vict. c. 17. |
| 1 Vict. c. 54. | 13 & 14 Vict. c. 69. | 30 & 31 Vict. c. 112. |
| 2 & 3 Vict. c. 50. | 13 & 14 Vict. c. 85. | 33 & 34 Vict. c. 9. |
| 20 3 & 4 Vict. c. 44. | 14 & 15 Vict. c. 85. s. 4. | 34 & 35 Vict. c. 25. |
| 5 & 6 Vict. c. 42. | 16 & 17 Vict. c. 38. | 34 & 35 Vict. c. 42. |
| 5 & 6 Vict. c. 81. | 16 & 17 Vict. c. 136. | 35 & 36 Vict. c. 42. |
| 6 & 7 Vict. c. 44. | 17 & 18 Vict. c. 36. | 36 & 37 Vict. c. 39. |
| 7 & 8 Vict. c. 106. | 17 & 18 Vict. c. 103. | 37 & 38 Vict. c. 76. |
| | 18 & 19 Vict. c. 109. | |

25

SCHEDULE II.**NOMINATION PAPER.**

We, the undersigned, *A.B.* of _____ and *C.D.* of _____
 being electors for the _____ of _____ do hereby
 nominate the following person as a proper person to serve as local member for
 30 the board district of _____ in the said county for the county
 board of _____.

| Surname. | Other Names. | Abode. | Rank, Profession, or Occupation. |
|----------|--------------|------------------------------|----------------------------------|
| Brown - | John - | 52, Sackville Street, Dublin | Farmer. |

35

*A.B.
C.D.*

Elective County Boards (Ireland).

B I L L

For the Establishment of Elective
County Boards in Ireland.

(Prepared and brought in by
Major Nolan, Mr. Martin, Mr. Fay, Mr. Meldon,
Mr. O'Sullivan, Mr. Blennerhasset, and
Mr. O'Connor Power.)

Ordered, by The House of Commons, to be Printed,
21 May 1880.

[Bill 152.]

Under 2 oz.

A

B I L L

INTITLED

An Act to make further provision as to Byelaws respecting the attendance of Children at School under the Elementary Education Acts. A.D. 1880.

[Note.—*The clause and words printed in red ink are proposed to be inserted in Committee.*]

WHEREAS a school attendance committee within the meaning of the Elementary Education Act, 1876, are authorised to make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such school attendance committee were a school board, but a school attendance committee for a union cannot make byelaws respecting any parish in their union, except on the requisition of the parish ; and it is expedient to make further provision for the making of byelaws respecting the attendance of children at school :

10 And whereas it is expedient otherwise to amend the Elementary Education Act, 1876, in respect of byelaws :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and 15 by the authority of the same, as follows :

1. This Act may be cited as the Elementary Education Act, 1880, and shall be construed as one with the Elementary Education Act, 1876, and that Act and this Act may be cited together as the Elementary Education Acts, 1876 and 1880. Short title and construction. 39 & 40 Vict. c. 79.

20 2. It shall be the duty of the local authority (within the meaning of the Elementary Education Act, 1876) of every school district in which byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, are not at the passing of this Act in force, forthwith to make by-laws under that section for such district.

If at any time after the thirty-first day of December one thousand eight hundred and eighty it appears to the Education Department that in any school district there are no byelaws under that section in force, the Education Department may either proceed under section 30 twenty-seven of the Elementary Education Act, 1876 (which relates to the making of byelaws), or may take such other action as they may consider necessary. Obligation to make byelaws as to the attendance of children at school. 33 & 34 Vict. c. 75. 39 & 40 Vict. c. 79.

[Bill 264.]

A.D. 1880. to a local authority who fail to fulfil their duty under that Act), or may make byelaws respecting the attendance of children at school in that district, and the byelaws so made shall have effect and be enforced and be subject to revocation and alteration as if they had been made by the local authority for that district and sanctioned by 5 the Education Department in pursuance of section seventy-four of the Elementary Education Act, 1870.

Power of
school at-
tendance
committee
to make
byelaws.

3. The school attendance committee for a union comprising a parish may, in pursuance of section twenty-one of the Elementary Education Act, 1876, without the requisition of the parish, make 10 byelaws under section seventy-four of the Elementary Education Act, 1870, respecting the attendance of children at school.

Enforcing
of byelaws.

4. Every person who takes into his employment a child of the age of ten and under the age of thirteen years resident in a school district, before that child has obtained a certificate of having reached 15 the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly. 20

Proceedings may, in the discretion of the local authority or person instituting the same, be taken for punishing the contravention of a byelaw, notwithstanding that the act or neglect or default alleged as such contravention constitutes habitual neglect to provide efficient elementary education for a child within the meaning of 25 section eleven of the Elementary Education Act, 1876.

CLAUSE A.
Amendment
of 39 & 40
Vict. c. 79.
s. 40. as to
education
being condi-
tion of relief
to parents of
children.

Notwithstanding anything contained in section forty of the Elementary Education Act, 1876, a child shall not, as a condition of the continuance of relief out of the workhouse being continued to him or his parent, be required to attend school further or 30 otherwise than he is required to attend by a byelaw in force under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876, and this Act, in the school district in which he is resident: Provided that this section shall not apply where there is no such byelaw in force in 35 the school district.

Repeal.

5. The Elementary Education Act, 1876, shall be repealed to the extent and from the times in the third column of the Schedule to this Act mentioned, without prejudice to anything previously done or suffered, or any order previously made, or any right or title or 40 liability acquired, accrued, or incurred in pursuance of any enact-

ment hereby repealed; and any such thing, order, right, and title A.D. 1880.
and liability may be enforced, and any proceeding then pending
for such enforcement may be carried on, as if such enactment had
not been repealed.

5

S C H E D U L E.**ENACTMENTS REPEALED.**

| Session and Chapter. | Short Title. | Extent of Repeal. |
|----------------------------|-------------------------------------|--|
| 39 & 40 Vict. c. 79. 10 | The Elementary Education Act, 1876. | In section twenty-one, the words "may if they think fit" and the words "on the requisition of the parish, but not otherwise," as from the passing of this Act. Section twenty-two, as from the passing of this Act. |
| 15 | | Section forty, from "has not reached the standard" down to "full time employment or" as from the passing of this Act. |
| 20 | | Sections fifty-one and fifty-two, as from the passing of this Act. |
| 25 | | First Schedule, as from the first of January one thousand eight hundred and eighty-one, from "During the four years next after" down to "higher standard required for that year" both inclusive (being paragraph (3),) and from "Provided that in each of the four years next after" down to the end of the table, both inclusive (being paragraph 6). |

Elementary Education.

[H.L.]

B I L L

INTITLED

An Act to make further provision as to
Byelaws respecting the attendance of
Children at School under the Elemen-
tary Education Acts.

(*Brought from the Lords 12 July 1880.*)

Ordered, by The House of Commons, to be Printed,
12 July 1880.
=====

[Bill 264.] Under 1 oz.

A

B I L L

INTITULLED

An Act to confirm certain Provisional Orders made by the A.D. 1880.
Education Department under the Elementary Education
Act, 1870, to enable the School Boards for Cardiff, Liver-
pool, Southampton, and Walton-on-Thames to put in force
the Lands Clauses Consolidation Act, 1845, and the Acts
amending the same.

WHEREAS the Lords of the Committee of the Privy Council
on Education have made a Provisional Order under the
authority of the Elementary Education Act, 1870, on behalf of the 33 & 34 Vict.
School Boards for Cardiff, Liverpool, Southampton, and Walton-on- c. 75.
Thames, and it is requisite that the same should be confirmed by
Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

1. The following Orders shall be and are hereby confirmed, and Confirmation
from and after the passing of this Act shall have full validity and of Orders.
force.
2. This Act may be cited as the Education Department Pro- Short title.
visional Orders Confirmation (Cardiff, &c.) Act, 1880.

A.D. 1880.

THE SCHOOL BOARD FOR CARDIFF, COUNTY OF
GLAMORGAN.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 5th day of June 1880.

5

WHEREAS the School Board for the Borough of Cardiff, in the county of Glamorgan, require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which 10 apply to the purchase and taking of lands otherwise than by agreement :

And whereas the lands so required to be purchased are set forth in the schedule hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary 15 Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated 20 therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district 25 of the said Board wherein the said lands are situate as to the propriety of the proposed Order :

Now, therefore, the said Department having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper and do hereby order accordingly, that the said Board be authorised to 30 put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this fifth day of June one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,

35

One of the Assistant Secretaries

of the Education Department.

SCHEDULE to the foregoing Order.

(1.) A piece of ground situate in Stacey Road, in the parish of Roath, in the town of Cardiff, in the county of Glamorgan, bounded on the north by Stacey 40

Road, on the south by a proposed lane at the rear of houses and premises in Richards Road, on the east by land belonging to Messrs. Stacey, and on the west by a house and premises being No. 74, Stacey Road aforesaid, the quantity in square yards being 4,141 or thereabouts. A.D. 1880.

- 5 (2.) A piece of ground fronting Severn Road, in the parish of Llandaff, in the town of Cardiff, in the county of Glamorgan, bounded on the north by a house and premises called Waterloo Cottage and by a yard the property of Mr. Solomon Andrews, on the south partly by the rear of houses in Lewis Court and partly by No. 7, Severn Road and by the Bethesda Primitive Methodist Chapel,
10 on the east by Severn Road, and on the west by the rear of houses in Union Street, the quantity in square yards being 6,731 or thereabouts.
-

THE SCHOOL BOARD FOR LIVERPOOL, COUNTY OF
LANCASTER.

- 15 *Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 6th day of April 1880.

WHEREAS the School Board for the borough of Liverpool, in the county of Lancaster, require to purchase a piece of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by
20 agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule hereunder written :

25 And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of
30 lands otherwise than by agreement, in which petition was stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required :

And whereas the said Department, having considered the said petition and
35 the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such
40 inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to

*Elementary Education Provisional [43 & 44 VICT.]
Orders Confirmation (Cardiff, &c.).*

A.D. 1880. put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this sixth day of April one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,

One of the Assistant Secretaries

of the Education Department.

5

SCHEDULE to the foregoing Order.

A piece of vacant building land situate on the south side of a new street or proposed new street called Granton Road and at the corner of Granton Road 10 aforesaid, and another new street or proposed street called Davy Street, measuring on the north side in front to Granton Road 180 feet or thereabouts, area 1,276 square yards or thereabouts:

Together with the right in common with others entitled thereto to use Granton Road and Davy Street aforesaid, and also a certain intended common 15 passage situate on the east side of the said land:

The owner being Mr. Richard Christopher Naylor, and the lessee and occupier being Mr. Peter Melvern Jones.

THE SCHOOL BOARD FOR SOUTHAMPTON, COUNTY OF HANTS.

20

Provisional Order for putting in force the Lands Clauses Consolidation Act, 1845.

At the Council Chamber, the 10th day of April 1880.

WHEREAS the School Board for the borough of Southampton, in the county of Hants, require to purchase a piece of land for the purposes of the Elementary 25 Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

And whereas the land so required to be purchased is set forth in the schedule 30 hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to 35 put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

40

A.D. 1880.

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule 10 hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

Signed this tenth day of April one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,

One of the Assistant Secretaries

15

of the Education Department.

SCHEDULE to the foregoing Order.

A piece of land situate at St. Denys, in the parish of South Stoneham, within the liberties of the town and county of the town of Southampton, bounded on the north by St. Denys Road, on the east by Dundee Road, on the south by 20 land now or lately belonging to Mr. James Olliver, and on the west by land now or lately belonging to Mr. W. R. Mitchell, and containing in area altogether 28,042 square feet or thereabouts.

THE SCHOOL BOARD FOR WALTON-ON-THAMES,
COUNTY OF SURREY.

25 *Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 6th day of March 1880.

WHEREAS the School Board for the parish of Walton-on-Thames, in the County of Surrey, require to purchase a piece of land for the purposes of the 30 Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement :

And whereas the land so required to be purchased is set forth in the schedule 35 hereunder written :

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorising the said School Board to 40 put in force the powers of the said Acts with respect to the purchase and

A.D. 1880. taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

And whereas the said Department, having considered the said petition and 5 the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said land is situate as to the propriety of the proposed Order :

Now, therefore, the said Department, having received a report after such 10 inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorised to put in force, with reference to the piece of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement or any of them.

15

Signed this sixth day of March one thousand eight hundred and eighty.

(Signed) PATRICK CUMIN,
One of the Assistant Secretaries
of the Education Department.

SCHEDULE to the foregoing Order.

20

A piece of land on the west side of Balls Road, otherwise St. Mary's Road, Oatlands, in the parish of Walton-on-Thames and county of Surrey, abutting east on the said road 166 feet north on premises attached to Flower Cottage, and south and west on land of G. Jeffkins, Esq., area about three roods.

**Elementary Education
Provisional Orders
Confirmation (Cardiff,
&c.). [H.L.]**

A

B I L L

INTITLED

An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Cardiff, Liverpool, Southampton, and Walton-on-Thames to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

(Brought from the Lords 15 July 1880.)

*Ordered, by The House of Commons, to be Printed,
19 July 1880.*

[Bill 268.]

Under 1 oz.

A

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

WHEREAS the Lords of the Committee of the Privy Council on Education have made a Provisional Order under the authority of the Elementary Education Act, 1870, on behalf of the School Board for London, and it is requisite that the same should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 10 1. The following Order shall be and is hereby confirmed, and from and after the passing of this Act shall have full validity and force.
2. This Act may be cited as the Education Department Provisional Order Confirmation Act (London), 1880.

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THE SCHOOL BOARD FOR LONDON.

*Provisional Order for putting in force the Lands Clauses
Consolidation Act, 1845.*

At the Council Chamber, the 25th day of June 1880.

WHEREAS the School Board for London require to purchase certain pieces of land for the purposes of the Elementary Education Act, 1870, and, not having been able to purchase the same by agreement, require to put in force the provisions of the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, which apply to the purchase and taking of lands otherwise than by agreement:

10

And whereas the lands so required to be purchased are set forth in the schedule hereunder written:

And whereas the said Board have made due publication of the notices, and have duly served the same, according to the requirements of the Elementary Education Act, 1870, and have presented a petition to the Education Department praying that an Order may be made authorizing the said School Board to put in force the powers of the said Acts with respect to the purchase and taking of lands otherwise than by agreement, in which petition were stated all the matters required by the said Elementary Education Act to be stated therein, and the same hath been supported by such evidence as the said Education Department required:

15

And whereas the said Department, having considered the said petition and the proofs of the publication and service of the proper notices, have thought fit to proceed with the case, and have caused inquiry to be made in the district of the said Board wherein the said lands are situate as to the propriety 20 of the proposed Order:

25

Now, therefore, the said Department, having received reports after such inquiry, and having duly considered the same, do hereby declare that it is proper, and do hereby order accordingly, that the said Board be authorized to put in force, with reference to the pieces of land set forth in the schedule hereunder written, the powers of the said Acts for the purchase and taking of lands otherwise than by agreement, or any of them.

30

Signed this 25th day of June 1880.

(Signed) PATRICK CUMIN,
One of the Assistant Secretaries of 35
the Education Department.

SCHEDULE referred to in the foregoing Order.

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A piece or parcel of land situate between Everington Street on the east, and Hawksmoor Street on the west, in the parish of Fulham, in the county of Middlesex, the south end being about 70 feet from Crown Road, and 5 the north end about 70 feet from Belorne Street, and containing 30,426 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

10

PLAN No. 1.

15

| | Name. | Owner. | Leasee. | Occupier. |
|--|-----------------------------|--------|---------|-----------|
| | Richard George Simmonds - - | - | | |
| | W. A. Curnock - - | - | | |
| | Sydney Knight - - - | - | | |
| | Edwin Collins - - - | - | | |

A piece or parcel of land situate on the west side of Kilburn Lane, Willesden, in the parish of Willesden, in the county of Middlesex, abutting west on the new road leading to Kensal Green Railway Station, and north on the road leading from the said new road to Kilburn Lane, and containing 20 32,670 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 2.

25

| | Name. | Owner. | Leasee. | Occupier. |
|--|----------------------|--------|---------|-----------|
| | Isaac Williams - - - | - | | |

A piece or parcel of land situate on the south-west side of Wood Street, in the parish of Woolwich, in the county of Kent, at its junction with Kidd Street, abutting west on Lower Maryon Grove, north on Lee Terrace, and 30 east on Wood Street, and containing 44,060 square feet or thereabouts, together

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A 2

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with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

PLAN No. 3.

5

| Name. | Owner. | Lessee. | Occupier. | Name. | Owner. | Lessee. | Occupier. |
|------------------------------|--------|---------|-----------|----------------------|--------|---------|-----------|
| William Bankes - - - | | | | Thomas Thomas - - - | | | |
| Andrew Lawrie - - - | | | | Richard Brown - - - | | | |
| John F. Nokes - - - | | | | William Rose - - - | | | |
| Henry Russell - - - | | | | Henry Hall - - - | | | |
| George James Farnfield - - - | | | | Robert Egleton - - - | | | |
| John Brightman - - - | | | | John Reynolds - - - | | | |
| George Taylor - - - | | | | Richard Prest - - - | | | |
| John Course - - - | | | | John Nevill - - - | | | |
| Adolphus Wattez - - - | | | | | | | |

A piece or parcel of land situate abutting south and east on Cold Blow Lane, in the parish of Deptford St. Pauls, in the county of Kent, and containing 32,670 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, 20 and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 3A.

| Name. | Owner. | Lessee. | Occupier. |
|---|--------|---------|-----------|
| The Haberdashers Company James Vearney Reading - | - | - | - |

A piece or parcel of land situate on the west side of Mansford Street, at the north end thereof, in the parish of Bethnal Green (St. Matthew), in the county of Middlesex, being about 70 feet south of the Old Bethnal Green Road, and containing 21,780 square feet or thereabouts, together with all 30 and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 5.

| | Name. | Owner. | Lessee. | Occupier. | | Name. | Owner. | Lessee. | Occupier. |
|----|--------------------|--------|---------|-----------|--|----------------------|--------|---------|-----------|
| | J. Remington Mills | - | | | | Thomas Eagles | - | | |
| | Peter Elisha | - | | | | Edward Joseph Poplar | - | | |
| 5 | William Bedford | - | | | | Alfred Spurgeon | - | | |
| | Charles Holt | - | | | | Henry Arthur Lewis | - | | |
| | George Jones | - | | | | George Taylor | - | | |
| | James Gardner | - | | | | Arthur Doree | - | | |
| | Edwin Holloway | - | | | | John Croll | - | | |
| 10 | John Turpin | - | | | | George Mack | - | | |
| | James Howes | - | | | | Charles Lefevre | - | | |
| | James Clark | - | | | | James Haines | - | | |
| | Richard Smith | - | | | | Richard Smith | - | | |

A piece or parcel of land situate on the east side of Hague Street, in the 15 parish of Saint Matthew, Bethnal Green, in the county of Middlesex, abutting north on Kelsey Street and east on Mape Street, and containing 14,640 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said 20 piece or parcel of land and hereditaments are as follows :—

PLAN No. 6.

| | Name. | Owner. | Lessee. | Occupier. |
|----|-----------------|--------|---------|-----------|
| | Timothy Johnson | - | | |
| 25 | Samuel Wood | - | | |
| | John Silverton | - | | |

A piece or parcel of land situate on the south side of Bacchus Walk, in the parish of Shoreditch (St. Leonard's), in the county of Middlesex, abutting south on Gloucester Row, and east in part by Cross Street, and containing 21,910 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said 30 piece or parcel of land and hereditaments are as follows :—

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PLAN No. 8.

| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. |
|---------------------------|--------|---------|-----------|------------------------|--------|---------|-----------|
| Thomasin Sharpe - | | | | Henry Knox - | | | |
| James William Sharpe - | | | | Charles Miller - | | | |
| The Vestry of the Parish | | | | John Dack - | | | |
| St. Leonard's Shoreditch | | | | Stephen Langley - | | | |
| The Gas Light and Coke | | | | Harry Woodland - | | | |
| Company - | | | | Arthur Austin - | | | |
| The New River Water | | | | Robert Ashley Bailey - | | | |
| Works Company - | | | | George Sims - | | | |
| Henry Machu Imbert Terry | | | | Albert Henry Hudson - | | | |
| Jeremiah Death - | | | | James Chalmers - | | | |
| James Wallace Coventry - | | | | J. Walker - | | | |
| Samuel Dotterage - | | | | James Taylor - | | | |
| Ann Bulford - | | | | Jane Huggins - | | | |
| Sir Charles Brodie Locock | | | | Frederick Dodd - | | | |
| Samuel Morley - | | | | Charles Shaw - | | | |
| E. Burkitt - | | | | James Evans - | | | |
| Elihu Bates - | | | | John Clark - | | | |
| William Pike Nicholls - | | | | Ellen Lowe - | | | |
| Francis H. Searle - | | | | George Lyne - | | | |
| Edgar J. Butt - | | | | George Grant - | | | |
| C. G. Searle - | | | | Mary Ann Eve - | | | |
| R. Higgin - | | | | Elizabeth Fuller - | | | |
| William Withey - | | | | Catherine Taplin - | | | |
| George Smith - | | | | Margaret Murrell - | | | |
| Josiah Ellis - | | | | Hannah Ball - | | | |
| James Gooding - | | | | Mary Fell - | | | |
| Henry Southwell - | | | | Harriett Martin - | | | |
| Joseph Reed - | | | | Maria Hayler - | | | |
| Jane Barrett - | | | | Eliza Price - | | | |
| Robert Pickett - | | | | Frances Reid - | | | |
| Henry Swift - | | | | | | | |

A piece or parcel of land situate on the north-east side of King's Arch Place, in the parish of Newington (St. Mary) in the county of Surrey, abutting 35 north-east on Lestock Place, and south-east in part on East Street, and containing 21,250 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:— 40

PLAN No. 9.

| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. |
|-------------------------|--------|---------|-----------|-----------------------|--------|---------|-----------|
| John Earle Welby - | | | | Henry Stickland - | | | |
| The Southwark and Vaux- | | | | John Barnes - | | | |
| hall Water Company - | | | | John Tomkins Maffey - | | | |

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| | Name. | Owner. | Lessee. | Occupier. | Name. | Owner. | Lessee. | Occupier. |
|----|-------------------------|--------|---------|-----------|-------------------------|--------|---------|-----------|
| | The Phoenix Gas Company | — | | | William Simpson Ward - | | | |
| | John George Adams | — | | | William Adolphos Foster | | | |
| | John Collins | — | | | John Berry - | - | | |
| 5 | Norah Clarey | - | | | William Palfrey - | - | | |
| | Robert Wilson | - | | | George Alexander Oakley | | | |
| | Alfred Wells | - | | | Robert Bullard - | - | | |
| | John Humphrey | - | | | James Oxley - | - | | |
| | Richard Everley | - | | | William Ward - | - | | |
| 10 | John Tipple | - | | | David Shaw - | - | | |
| | John Roads | - | | | John George Smith - | - | | |
| | William Hunt | - | | | Peter Pottinger - | - | | |
| | Thomas Pether | - | | | Charles Pottinger - | - | | |
| | William Pether | - | | | William Nye - | - | | |

- 15 A piece or parcel of land situate on the south side of Fountain Street, in the parish of Lambeth St. Mary, in the county of Surrey, abutting west on the London and South Western Railway Locomotive Works, and south on the Springfield Tea Gardens, and containing 37,340 square feet or thereabouts, together with all and singular the messuages and tenements and buildings
 20 (if any) now standing or being thereon, with their appurtenances. The names of the owner, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 10.

| | Name. | Owner. | Lessee. | Occupier. | Name. | Owner. | Lessee. | Occupier. |
|----|-------------------------|--------|---------|-----------|----------------------|--------|---------|-----------|
| 25 | William Fountain Meakin | — | | | Edward Thisselton - | - | | |
| | Rhoda Cook | — | | | John Williams - | - | | |
| | Thomas Henry Cook | - | | | John Henry Clynick - | - | | |
| | Henry Brittain | - | | | John Henry Hankin - | - | | |
| | F. Snelling | - | | | William Astley - | - | | |
| 30 | Frederick Sutton | - | | | William Wainwright - | - | | |
| | John Dudley | - | | | Joseph Pike - | - | | |
| | Captain A. H. Morse | - | | | Henry Reed - | - | | |
| | Henry Williams | - | | | John Abraham Wyman - | - | | |
| | Thomas Harriday | - | | | James Walford - | - | | |

- 35 A piece or parcel of land running east from the south end of Latchmere Street, in the parish of Battersea, in the county of Surrey, and being in the rear of the Builder's Yard approached from the Battersea Park Road, and containing 39,900 square feet or thereabouts, together with all and singular

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the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 11.

5

| Name. | Owner. | Lessee. | Occupier. | Name. | Owner. | Lessee. | Occupier. |
|--|--------|---------|-----------|--|--------|---------|-----------|
| The Churchwardens and Overseers of the parish of Battersea - - - | | | | William Burridge William Munday - Henry Elmer - John Collick - Jonathan Coe - William Spencer - John Satchell - William Peace - John Gough - | - - - | - - - | - - - |
| Jesse Nickinson - - - | | | | | | | |
| William Ward - - - | | | | | | | |
| William Burnbury - - - | | | | | | | |
| William Carratt - - - | | | | | | | |
| George Pritchard - - - | | | | | | | |
| Thomas Clements - - - | | | | | | | |
| John Brook - - - | | | | | | | |

A piece or parcel of land situate on the north side of Oldridge Road or Holly Grove, in the parish of Streatham, in the county of Surrey, abutting west on the rear of houses on the east side of Bellamy Street, and containing 43,560 square feet or thereabouts, together with all and singular the messuages 20 and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 12.

| Name. | Owner. | Lessee. | Occupier. | |
|--------------------------|--------|---------|-----------|--|
| John Poole Bowring - - - | - | | | |
| George Mudley - - - | - | | | |

A piece or parcel of land situate on the east side of Carlton Road, in the parish of Saint Pancras, in the county of Middlesex, abutting on Cavendish Street, at the south-east end, and containing 32,670 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 13.

| Name. | Owner. | Lesee. | Occupier. | Name. | Owner. | Lesee. | Occupier. |
|-------------------------|--------|--------|-----------|-------------------|--------|--------|-----------|
| Midland Railway Company | | | | John Wall | - | - | |
| F. H. Munn | | | | George Smith | - | - | |
| 5 William Crossley | | | | Thomas Page | - | - | |
| George Wall | | | | Frederick Collard | - | | |

A piece or parcel of land situate on the east side of College Lane, in the parish of Saint Pancras, in the county of Middlesex, abutting south on the gardens of the houses on the north side of Lady Somerset Road, and containing 10 43,560 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 15.

| 15 | Name. | Owner. | Lesee. | Occupier. |
|----|-------------------------|--------|--------|-----------|
| | Midland Railway Company | | | |
| | George Wall | | | |
| | John Wall | | | |

A piece or parcel of land situate on the west side of proposed road to be 20 called Smeed Road, in the parish of St. Mary, Stratford-le-Bow, in the county of Middlesex, the north-west boundary being 56 feet from Monier Road, together with a passage 20 feet wide leading therefrom to the proposed road to be called Dace Road, and containing 36,080 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if 25 any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 17.

| 30 | Name. | Owner. | Lesee. | Occupier. |
|----|--------------------------------|--------|--------|-----------|
| | The Gas Light and Coke Company | | | |

A piece or parcel of land situate on the east side of Bromley Hall Road, in the parish of Bromley St. Leonards, in the county of Middlesex, abutting south on Leven Road, and containing 32,670 square feet or thereabouts,

*Elementary Education Provisional [43 & 44 VICT.]
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together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

PLAN No. 18.

5

| Name. | Owner. | Lessee. | Occupier. |
|-------------------|--------|---------|-----------|
| John Abbott - - - | — | | |

A piece or parcel of land situate on the north side of Oban Street, in the parish of Bromley (St. Leonard), in the county of Middlesex, abutting north on Wharf Road, and containing 47,100 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

10

PLAN No. 19.

15

| Name. | Owner. | Lessee. | Occupier. |
|-------------------|--------|---------|-----------|
| John Abbott - - - | — | | |

A piece or parcel of land situate on the south-east side of Ellesmere Street, in the parish of Bromley St. Leonards, in the county of Middlesex, abutting south-east on Flint Street, and south-west on Alton Street, and containing 20 17,630 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows :—

20

PLAN No. 20.

25

| Name. | Owner. | Lessee. | Occupier. | Name. | Owner. | Lessee. | Occupier. |
|----------------------|--------|---------|-----------|--------------------|--------|---------|-----------|
| Charles Hack - | — | | | Philip Manby - | - | | |
| George Wyatt Sharp - | — | | | George Knight - | - | | |
| Edward Waite - | - | | | Charles Thompson - | - | | |
| George Hunt - - | - | | | George Lee - | - | | |
| Albert F. Greaves - | - | | | John Haycock - | - | | |
| Elizabeth Jarvis - | - | | | John Percival - | - | | |
| William Foster - | - | | | John Toomey - | - | | |

30

| | Name. | Owner. | Lessee. | Occupier. | | Name. | Owner. | Lessee. | Occupier. |
|----|-------------------------|--------|---------|-----------|----------------------------|-------|--------|---------|-----------|
| 5 | William Young - | - | - | - | George Burgess - | - | - | - | - |
| | Charles Bouverie - | - | - | - | Jane Norman - | - | - | - | - |
| | Edmund John Spencer - | - | - | - | Henry Porteous - | - | - | - | - |
| 5 | Thomas Oakley Allaker - | - | - | - | John Smith - | - | - | - | - |
| | William Green - | - | - | - | Thomas Godfrey - | - | - | - | - |
| | James Lower - | - | - | - | James Calway - | - | - | - | - |
| | Mary Sprague - | - | - | - | Robert Turnbull - | - | - | - | - |
| 10 | John James Clark - | - | - | - | George William Richardson. | - | - | - | - |
| | William Haywood - | - | - | - | Elizabeth Wyland - | - | - | - | - |
| | George Fairbairn - | - | - | - | Frederick Richardson - | - | - | - | - |
| | Richard Finch - | - | - | - | Robert High - | - | - | - | - |
| | Thomas Weaver - | - | - | - | | | | | |
| | Robert G. Fowler - | - | - | - | | | | | |

15 A piece or parcel of land situate on the north-east side of Blundell Street, in the parish of Islington St. Mary, in the county of Middlesex, adjoining the west side of the Blundell Street Board School premises, and containing 7,050 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 21.

| | Name. | Owner. | Lessee. | Occupier. | | Name. | Owner. | Lessee. | Occupier. |
|----|---------------------------|--------|---------|-----------|----------------------|-------|--------|---------|-----------|
| 25 | George Thornhill - | - | - | - | Ebenezer Wilshire - | - | - | - | - |
| | George Wadley - | - | - | - | Richard Skinner - | - | - | - | - |
| | Charles William Shaw - | - | - | - | Charles Brackstone - | - | - | - | - |
| | William Thomas Marchant - | - | - | - | Alfred Mitchell - | - | - | - | - |
| | William Charles Day - | - | - | - | Henry Tagg - | - | - | - | - |
| | William John Day - | - | - | - | Joseph Wray - | - | - | - | - |
| 30 | John William Bridges - | - | - | - | William Selwood - | - | - | - | - |
| | Robert Oliver - | - | - | - | James Sandwich - | - | - | - | - |
| | Thomas Hill - | - | - | - | Henry Buxton - | - | - | - | - |
| | Thomas Gee - | - | - | - | William Bryant - | - | - | - | - |
| 35 | Henry Burnby - | - | - | - | Robert Smith - | - | - | - | - |
| | John Birch - | - | - | - | John Winters - | - | - | - | - |
| | Lucy Morris - | - | - | - | | | | | |

40 A piece or parcel of land situate on the west side of Cranbrook Road, in the parish of Bethnal Green (Saint Matthew), in the county of Middlesex, facing the Cranbrook Road Board School (now in course of erection), and containing 420 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

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PLAN No. 22.

| | Name. | Owner. | Leasee. | Occupier. | |
|--|------------------------|--------|---------|-----------|--|
| | William Richard Dodson | - | | | |
| | Edward Ackland | - | | | |

A piece or parcel of land situate on the west side of Plough Lane, at its junction with Homerton Row, in the parish of Hackney, in the county of Middlesex, abutting west on the Homerton Row Board School premises, and containing 6,952 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 23.

| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. |
|------------------|--------|---------|-----------|----------------|--------|---------|-----------|
| Culloden Rowan - | - | | | William Cox | - | - | |
| Thomas Chopping | - | | | Alfred Haines | - | - | |
| James Holmes | - | | | William Stacey | - | - | |
| Lydia Harvey | - | | | George Stock | - | - | |

A piece or parcel of land situate on the south west side of East Street in the parish of Lambeth, in the county of Surrey, abutting south-east and south-west on the East Street Board School premises, and containing 2,000 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 24.

25

| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. |
|--------------------------|--------|---------|-----------|---------------------|--------|---------|-----------|
| Parker Todd | - | | | James Hitchcock | - | | |
| Dr. Maurice C. M. Swabey | - | | | John Webb | - | - | |
| Charles Barton | - | | | John Goodin | - | - | |
| William Horsford | - | | | Ann Murphy | - | - | |
| Amelia Sarah Horsford | - | | | John Daniel Murphy | - | | |
| Richard Smith | - | | | Sarah Ann Griffiths | - | | |
| Charles Bernard Gilpin | - | | | Sarah Aun Martin | - | | |

Two pieces or parcels of land situate in the parish of Newington (Saint Mary), in the county of Surrey, one being on the south-west side of Penrose Street and 35

abutting south-west on the Board School premises, and the other being on the south-east side of Chapter Street and abutting north-east on the Board School premises, and containing respectively 4,890 and 13,010 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 25.

| | Name. | Owner. | Leasee. | Occupier. | | Name. | Owner. | Leasee. | Occupier. |
|----|--|--------|---------|-----------|--|-------------------------|--------|---------|-----------|
| 10 | Ecclesiastical Commissioners for England and Wales | - | - | - | | William P. Piggott | - | - | - |
| | Frederick Sutton | - | - | - | | Elizabeth Martha Mitson | - | - | - |
| | John Dudley | - | - | - | | Arthur Smeton | - | - | - |
| 15 | Sir Thomas Hare, Bart. | - | - | - | | George Preece | - | - | - |
| | Rev. John Bunyan McCure | - | - | - | | George Robert Hill | - | - | - |
| | J. Green | - | - | - | | Henry Alfred Smith | - | - | - |
| | Mr. Fleming | - | - | - | | Frederick Jesty | - | - | - |
| | | | | | | George Jesty | - | - | - |
| | | | | | | George Smith | - | - | - |

A piece or parcel of land situate on the north-west side of Arnolds Paragon, 20 Crampton Street, in the parish of Newington (St. Mary), in the county of Surrey, part on the south-west being in the rear of the houses facing Penton Place, and containing 20,730 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and 25 occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 26.

| | Name. | Owner. | Leasee. | Occupier. | | Name. | Owner. | Leasee. | Occupier. |
|----|--|--------|---------|-----------|--|-------------------------|--------|---------|-----------|
| 30 | The Ecclesiastical Commissioners for England and Wales | - | - | - | | Reverend Thomas Cardale | - | - | - |
| | Jonathan Pruday | - | - | - | | Randall Glynes | - | - | - |
| | The Vestry of St. Mary's Newington | - | - | - | | Charles Thomas Fearnley | - | - | - |
| | The Phoenix Gas Company | - | - | - | | John Aldous | - | - | - |
| 35 | The Southwark and Vauxhall Water Works Company | - | - | - | | John Arnold | - | - | - |
| | The Lambeth Waterworks Company | - | - | - | | Emma Portwine | - | - | - |
| | James Pullen | - | - | - | | Thomas Fisher | - | - | - |
| 40 | Thomas Turner Gilbert | - | - | - | | James Hewitt | - | - | - |
| | Caleb Olphin Boyes | - | - | - | | W. M. Shirreff | - | - | - |
| | Reverend Edward Thomas Cardale | - | - | - | | Captain Keogh | - | - | - |
| | | | | | | W. Spilling | - | - | - |
| | | | | | | Henry Scovell | - | - | - |
| | | | | | | Henry Mills | - | - | - |
| | | | | | | John Edwards | - | - | - |
| | | | | | | George Newton | - | - | - |
| | | | | | | William Johnson Storey | - | - | - |

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| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. |
|--------------------------|--------|---------|-----------|----------------------------|--------|---------|-----------|
| Andrew Frazer - | - | | | George Green - | - | | |
| George Coombe - | - | | | Frederick Haggard - | - | | |
| James Honey - | - | | | George Mickelwait - | - | | |
| Mary Wartsfold - | - | | | John Nelms - | - | | |
| David Shea - | - | | | James Pate - | - | | |
| Edward Smith - | - | | | Mary Ann Badcock - | - | | |
| Samuel Pitt - | - | | | John Angelo Mitchell - | - | | |
| Mary Sadler - | - | | | Joseph Palmer - | - | | |
| Samuel Cackett - | - | | | John Stride - | - | | |
| Elizabeth Dunn - | - | | | John Mead - | - | | |
| Thomas Alfred Phillips - | - | | | James Palmer - | - | | |
| T. Richard Paine - | - | | | George Augustus Bartlett - | - | | |
| Thomas Field - | - | | | Thomas Biglin - | - | | |
| Thomas Congdon - | - | | | Charles Bates - | - | | |
| Edward Boyd - | - | | | Thomas William Fisher - | - | | |
| Alexander Martin - | - | | | Martha Williams - | - | | |
| James John Prime - | - | | | H. Bennett - | - | | |
| Stephen Bess - | - | | | George Dowsett - | - | | |
| William Metchim - | - | | | William Higgs - | - | | |
| William Evans - | - | | | Samuel Stapleford - | - | | |
| James Smith - | - | | | | | | |

A piece or parcel of land situate on the north side of Charles Street, and south-west side of Fair Street, in the parish of St. John Horsleydown, in the county of Surrey, the whole abutting on the west on the Charles Street Board School premises, and containing 7,610 square feet or thereabouts, together with 25 all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 27.

30

| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. |
|--|--------|---------|-----------|---------------------|--------|---------|-----------|
| The Warden and Governors of the Free Grammar School of St. Olave and St. John, Southwark - | | | | John Butcher - | - | | |
| Maria Askew - | - | | | James Wicks - | - | | |
| William Brooks - | - | | | William Cooper - | - | | |
| George Pickett - | - | | | Henry Hough - | - | | |
| Richard Poole - | - | | | Philip Horswell - | - | | |
| Alfred Anson - | - | | | Charles Parker - | - | | |
| Charles Gifford - | - | | | Thomas Palmer - | - | | |
| William Hussey - | - | | | Frederick Bilbe - | - | | |
| Eldren Green - | - | | | Alfred Cox - | - | | |
| Walter Stubbs - | - | | | David Morris - | - | | |
| Georgina Crawley - | - | | | William Stobart - | - | | |
| George Harry Overy - | - | | | Harriet Gyton - | - | | |
| | | | | Joseph Wilkinson - | - | | |
| | | | | E. Thompson - | - | | |
| | | | | Andrew John Booth - | - | | |

Two pieces or parcels of land situate in the parish of Limehouse, in the county of Middlesex, one being on the east side of Acland Street, and the other on the west side of Walker Street, both abutting south on the Thomas Street Board School premises, and containing respectively 10,024 and 5 5,100 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of such piece or parcel of land and hereditaments are as follows:—

PLAN No. 28.

| | Name. | Owner. | Lessee. | Occupier. | | Name. | Owner. | Lessee. | Occupier. |
|----|--|--------|---------|-----------|--|-------------------|--------|---------|-----------|
| 10 | The Right Honourable Lord Justice Cotton - | | | | | William Edwards - | - | | |
| | Sir Edmund H. Currie - | | | | | Arthur Scott - | - | | |
| | Reverend Arthur Benjamin Cotton - | | | | | Eliza Green - | - | | |
| 15 | John Walter Munton - | | | | | William McElroy - | - | | |
| | Thomas Adams - | | | | | Samuel McElroy - | - | | |
| | G. A. Fisk - | | | | | Joseph Brown - | - | | |
| 20 | Mary Napear - | | | | | Joseph Billings - | - | | |
| | John Henry Cannington - | | | | | Thomas Roberts - | - | | |
| | William Bates - | | | | | Edwin Trenneman - | - | | |
| | Jeremiah Day Salter - | | | | | Thomas Holmes - | - | | |
| | John Mann - | | | | | Henry Grundy - | - | | |
| | | | | | | Henry Valilant - | - | | |

A piece or parcel of land situate on the north side of Byron Street, in the 25 parish of St. Leonards Bromley, in the county of Middlesex, abutting north and east on the Byron and Bright Streets School Board premises, and containing 1,235 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and 30 occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 29.

| | Name. | Owner. | Lessee. | Occupier. |
|----|------------------------|--------|---------|-----------|
| 35 | John Pendergast - | - | | |
| | Thomas Napoleon Read - | - | | |

A piece or parcel of land situate on the north side of the river, abutting east on Grays Churchyard and King's Terrace, and north in part on a lane running west from the High Street, in the parish of Grays Thurrock, in the county of Essex, and containing 6 acres and 36 poles, or thereabouts, together with 40 all and singular the messuages and tenements and buildings (if any) now

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standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:—

PLAN No. 29A.

| | Name. | Owner. | Leasee. | Occupier. | 5 |
|--|---------------------------|--------|---------|-----------|---|
| | James Theobald - | - | - | | |
| | School Board for London - | - | - | | |
| | G. Cottis - | - | - | | |

A piece or parcel of land situate on the north side of Edward Street, in the parish of Deptford St. Paul's, in the county of Kent, abutting north on Clyde 10 Street, at the south end of Staunton Street, and containing 24,668 square feet or thereabouts, together with all and singular the messuages and tenements and buildings (if any) now standing or being thereon, with their appurtenances. The names of the owners, lessees, and occupiers of the said piece or parcel of land and hereditaments are as follows:— 15

PLAN No. 30.

| Name. | Owner. | Leasee. | Occupier. | Name. | Owner. | Leasee. | Occupier. | 20 |
|--|--------|---------|-----------|-----------------------------|--------|---------|-----------|----|
| The Minister and Church-wardens of the Parish of St. Paul's Deptford - | | | | Mary Jones - | - | | | |
| William John Evelyn - | - | | | Alfred Smith - | - | | | |
| School Board for London - | | - | | William John Andrews - | | | | |
| William John Hazel - | | - | | George Wright - | - | | | |
| John Thomas Abbott - | | - | | Henry Chappell - | - | | | |
| Thomas Stewart - | - | | | Robert Houth - | - | | | |
| Richard Murphy - | - | | | John Penny - | - | | | |
| Joseph Bristowe - | - | | | Thomas Burgess - | - | | | 25 |
| Thomas Price - | - | | | George Frederick Bristowe - | | | | |
| Charles Deck - | - | | | Mary Parkes - | - | | | |
| Ulick Farrell - | - | - | | Charles Ashby - | - | | | |
| | | | | John Learey - | - | | | |
| | | | | Thomas Lucas - | - | | | 30 |

**Elementary Education
Provisional Order
Confirmation (London).
[H.L.]**

B I L L

INTITLED

An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

(Brought from the Lords 26th July 1880.)

*Ordered, by The House of Commons, to be Printed,
26 July 1880.*

[Bill 281.]

Under 3 oz.

A

B I L L

TO

Extend the provisions of "the Employers and Workmen A.D. 1880.
Act, 1875," to Seamen whilst they are in British Waters.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited as the Employers and Workmen Short title.
(Seamen) Extension Act, 1880.
2. This Act shall come into operation on *the first day of September one thousand eight hundred and eighty.* Commencement of Act.
3. No seaman or apprentice to the sea service shall be liable to imprisonment for deserting within the United Kingdom, nor for neglecting nor for refusing without reasonable cause to join his ship or to proceed to sea in his ship, nor for absence without leave and without sufficient reason from his ship or from his duty, not amounting to desertion or not treated as such by the master, within 15 the United Kingdom. Seamen not to be liable to imprisonment for certain offences.
4. No seaman or apprentice neglecting or refusing to join or deserting from or refusing to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave within the United Kingdom, shall be liable 20 to apprehension, arrest, or detention without warrant, or, instead of being committed to prison, or after committal to prison by any court, to be conveyed on board for the purpose of proceeding on the voyage, or to be delivered to the master or mate or owner of any ship, or his agent, to be by them so conveyed. Seamen, &c., not to be apprehended without warrant, &c., for certain offences.
- 25 5. The enactments of the Employers and Workmen Act, 1875, shall apply to every dispute arising out of or incidental to the contracts and relation between seamen and sea apprentices and ship owners, their agents or masters, as employers; and the courts Application of Employers and Workmen Act, 1875, to seamen.

[Bill 204.]

A.D. 1880. in the said Act mentioned shall have all necessary jurisdiction and powers for remitting, determining, or enforcing all forfeiture of clothes, effects, wages, and emoluments or shares authorised by the Merchant Shipping Act, 1854, or any other Act or law now in force.

5

Repeal. 6. Section thirteen of the said Employers and Workmen, 1875, Act is hereby repealed as far as declares that that Act shall not apply to seamen or apprentices to the sea service.

AMENDMENTS MADE BY THE
LORDS
TO THE
EMPLOYERS' LIABILITY BILL.

Ordered, by The House of Commons, to be Printed,
31 August 1880.

[Bill 322.]

Under 1 oz.

A

B I L L

TO

Amend the Law in respect to Employers' Liability for A.D. 1880.
Injuries to their Workmen.

WHEREAS it is expedient to amend the law relating to compensation for injuries suffered by persons in the course of their employment:

Be it enacted by the Queen's most Excellent Majesty, by and 5 with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Where any action or proceeding is brought for recovery of damages or of compensation in respect of bodily injury or loss of life, alleged to have been occasioned, *after the passing of this Act*, to any person, it shall not be any ground of defence that the person by whose negligence the injury or loss of life is alleged to have been occasioned was employed in a common employment with the person injured or killed, or that the risk of injury or loss of life 15 was knowingly or voluntarily incurred by the person injured or killed in the course of his employment.

Provided that this Act shall not render any person liable to pay damage or compensation in respect of injury to or the loss of life of any person where it is made to appear that the person injured 20 or killed materially contributed by his own negligence to the causing of the injury or loss of life.

"Common employment" means any such community of employment, service, or occupation as, but for this Act, would be matter of defence in any such action or proceeding as aforesaid.

2. No action shall be maintainable in a case in which such action would not have been maintainable but for this Act, unless notice that such action will be brought is given within *six weeks*,

[Bill 130.]

Amendment
of law as to
compensa-
tion for
injuries in
course of
employment.

Proviso
limiting time
within which
proceedings
must be
taken.

A.D. 1880. nor unless the action is commenced within *six months* from the occurrence of the accident causing the injury or loss of life.

-Jurisdiction
of county
court.

3. Any action against an employer for damages or compensation in respect of bodily injuries or loss of life occasioned to a servant or workman employed by him in the course of the employment of 5 such servant or workman may be brought in a county court, and in Scotland in the sheriff's court, and in Ireland in the civil bill court, whenever the amount claimed does not exceed *two hundred pounds.*

As to in-
juries caused
to minors.

4. Where injuries not resulting in death are caused to a minor 10 by reason of the negligence of any other person, and damages are recovered for such negligence, it shall be lawful for the court before whom the damages are recovered to direct that the amount of such damages shall be paid to and held by such person as the court, with his consent, directs, in trust for the minor; and such 15 amount shall be applied for the education or advancement of the minor, or otherwise for his benefit, as the court or a judge of the High Court of Justice may from time to time direct.

**Employers' Liability
(No. 2).**

A

B I L L,

To amend the Law in respect to Employers' Liability for Injuries to their Workmen.

*(Prepared and brought in by
Mr. Macdonald, Dr. Cameron, Mr. Meldon,
Mr. East, Mr. Burt, and Mr. Broadhurst.)*

*Ordered, by The House of Commons, to be Printed,
21 May 1880.*

[Bill 130.]

Under 1 oz.

A

B I L L

TO

Continue for a limited period the powers of the Arbitrator A.D. 1880.
 under the Epping Forest Act, 1878, and to provide for the
 record of the result of the arbitration and for the exchange
 of lands in Epping Forest.

WHEREAS by the Epping Forest Act, 1878, an arbitrator is 41 & 42 Vict.
 appointed for the purposes of that Act, with the powers ch. cxxiii.
 therein mentioned, and by section eighteen of that Act it is
 enacted as follows:—

- 5 The arbitrator shall "within one year after the passing of this
 " Act, or within such enlarged time, not exceeding two years from
 " the passing of this Act, as he from time to time by writing under
 " his hand, with the consent of the Lord Chancellor, appoints,
 " settle and determine the matters and questions referred to him,
- 10 " and make and deliver an award or awards finally disposing
 " thereof."

And whereas the Epping Forest Act, 1878, passed on the eighth day of August one thousand eight hundred and seventy-eight, and the arbitrator has proceeded with the settlement and determination 15 of the matters and questions referred to him, and by writing under his hand, with the consent of the Lord Chancellor, enlarged the time to two years from the passing of the said Act:

And whereas it is expedient to give further time for the said purposes, and to make such further provision as herein-after appearing respecting the result of the arbitration and the exchange of lands in Epping Forest:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 25 and by the authority of the same, as follows:

[Bill 96.]

A.D. 1880.

Short title.

Prolongation
of time for
completion
of arbitra-
tor's duties.Record of
result of
arbitration.Power as to
exchange
within
limited
period of
parts of
Epping
Forest.

1. This Act may be cited as the Epping Forest Act, 1880, and together with the Epping Forest Act, 1878, may be cited as the Epping Forest Acts, 1878 and 1880.

2. Section eighteen above recited of the Epping Forest Act, 1878, shall be construed as if three years were therein substituted 5 for one year and four years for two years.

3. When the arbitrator makes his final or last award he shall authenticate by his signature in triplicate a map showing the lands composing Epping Forest as finally settled by his award or awards.

4. Where it is represented to the arbitrator by the Conservators of 10 Epping Forest that the exchange of any part of Epping Forest for any land will be beneficial to the public, and the owner of such land assents to the application, and the arbitrator is satisfied that the proposed exchange, with or without modification, will be beneficial to the public and such owner, he may by an award order 15 such exchange, either without modification or with such modifications as he thinks necessary or proper to make the exchange beneficial to the public and the owner.

Before making the award such notices of the proposed exchange shall be given by the Conservators as the arbitrator directs, for the 20 purpose of giving public information of the proposal and particularly information to the inhabitants of and owners of land in the parishes comprising any part of Epping Forest.

Sections sixteen to twenty-two (both inclusive) of the Epping Forest Act, 1878, (which relate to "*arbitration*") shall, so far as 25 is consistent with the tenor thereof, apply in like manner as if the application, proceeding, and award under this section were under the Epping Forest Act, 1878.

The award may authorise the payment of any money or the creation of any rentcharge for the purpose of effecting equality of 30 exchange, and may provide for the priority and recovery of such rentcharge.

All land acquired by the Conservators upon any exchange shall be deemed to be part of Epping Forest, and all land given by the Conservators upon any exchange shall be and enure to, for, and 35 upon the same uses, trusts, intents, and purposes, and be subject to the same tithe, tithe rentcharge, conditions, charges, and incumbrances as the land given to the Conservators on such exchange would have stood limited or been subject to in case the award ordering the exchange had not been made; and subject to the award 40

A.D. 1880.

shall have appurtenant to it the same right of common or other right, if any, as was appurtenant to the land given to the Conservators on such exchange; and the exchange shall be valid to all intents, notwithstanding any defect of estate or title on the part of the Conservators or of the owner of the land given in exchange; and if the land given to the Conservators in exchange is copyhold or customary land the land given by the Conservators shall be held of the lord of the same manor under the same rent, custom, and service as the copyhold or customary land given to the Conservators was or ought to have been held without any new admittance.

— An award under this section shall refer to a map which shall be authenticated in triplicate by the signature of the arbitrator.

Any money paid to or by the Conservators for equality of exchange shall be paid as capital to or out of the Epping Forest Fund, and such expenses incurred with respect to any exchange as are borne by the Conservators may be paid out of the income of that fund. Any difference which arises with reference to such expenses shall be determined by the arbitrator.

20 For the purpose of this section—

The expression "land" includes any incorporeal as well as corporeal hereditaments and any undivided share thereof.

The expression "owner" in relation to any land means any person or corporation who under the provisions of the Lands Clauses Consolidation Act, 1845, would be enabled to sell and convey land to the promoters of an undertaking, and includes the Conservators.

5. If upon any exchange the Conservators acquire any inclosed lands or buildings or premises they shall have power from time to time to maintain and to improve and alter the same, and while so maintained the provisions of section thirty-three of the Epping Forest Act, 1878, with respect to inclosures and buildings shall apply.

The Conservators also may from time to time make byelaws under section thirty-six of the said Act for regulating the use of the said inclosed lands, buildings, and premises, and prescribing the times, places, and conditions at and under which the same or any parts thereof are to be used.

6. For the purposes of this Act "Epping Forest" means the lands composing Epping Forest, which the public are, under section nine of the Epping Forest Act, 1878, to have the right of using as an open space for recreation and enjoyment.

Provision
as to in-
closed land
acquired on
exchange.

Definition of
"Epping
Forest."

Epping Forest.

A

B I L L

To continue for a limited period the powers of the Arbitrator under the Epping Forest Act, 1878, and to amend that Act.

(Prepared and brought in by
Mr. Arthur Peel and Secretary Sir William
Harcourt.)

Ordered, by The House of Commons, to be Printed,
7 July 1880.

[Bill 261.]

Under 1 oz.

Epping Forest Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Prolongation of time for completion of arbitrator's duties.
3. Record of result of arbitration.
4. Power as to exchange within limited period of parts of Epping Forest.
5. Provision as to inclosed land acquired on exchange.
6. Power of arbitrator as to rights in Loughton.
7. Provision as to enforcing conditions in award.
8. Deposit and copies of maps.
9. Amendment of 41 & 42 Vict. c. ccxiii. Fourth Schedule, with respect to the election of verderers.

A

B I L L

TO

Continue for a limited period the powers of the Arbitrator A.D. 1880.
 under the Epping Forest Act, 1878, and to amend that
 Act.

WHEREAS by the Epping Forest Act, 1878, an arbitrator is appointed for the purposes of that Act, with the powers therein mentioned, and by section eighteen of that Act it is enacted as follows :—

5 The arbitrator shall “within one year after the passing of this
 “ Act, or within such enlarged time, not exceeding two years from
 “ the passing of this Act, as he from time to time by writing under
 “ his hand, with the consent of the Lord Chancellor, appoints,
 “ settle and determine the matters and questions referred to him,
 10 “ and make and deliver an award or awards finally disposing
 “ thereof :”

And whereas the Epping Forest Act, 1878, passed on the eighth day of August one thousand eight hundred and seventy-eight, and the arbitrator has proceeded with the settlement and determination 15 of the matters and questions referred to him, and by writing under his hand, with the consent of the Lord Chancellor, enlarged the time to two years from the passing of the said Act:

And whereas it is expedient to give further time for the said purposes, and to make such further provision as herein-after appearing respecting Epping Forest :

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

[Bill 261.]

A 2

A.D. 1880.

Short title.

Prolongation
of time for
completion
of arbitra-
tor's duties.Record of
result of
arbitration.Power as to
exchange
within
limited
period of
parts of
Epping
Forest.

1. This Act may be cited as the Epping Forest Act, 1880, and together with the Epping Forest Act, 1878, may be cited as the Epping Forest Acts, 1878 and 1880.

2. Section eighteen above recited of the Epping Forest Act, 1878, shall be construed as if three years were therein substituted 5 for one year, and four years for two years.

3. When the arbitrator makes his final or last award he shall authenticate by his signature a map in triplicate showing the open waste lands of Epping Forest as finally settled by his award or awards, and the lands so shown shall, from and after the deposit, as 10 required by this Act, of such map, be deemed to be lands subject to be regulated and managed by the Conservators under the Epping Forest Act, 1878, and this Act.

The said map shall also show those portions of the inclosed waste lands of Epping Forest which have been quieted in title by any 15 award, order, or certificate of the arbitrator.

4.—(1.) Where it is represented to the arbitrator by the Conservators of Epping Forest that the exchange of any part of Epping Forest which is subject to be regulated and managed by the Conservators of Epping Forest for any other land will be beneficial 20 to the public, and the owner of such other land assents to the exchange, and the arbitrator is satisfied that the proposed exchange, with or without modification, will be beneficial to the public and such owner, he may by an award order such exchange, either without modification or with such modifications agreed to 25 by the Conservators and the owner as he thinks necessary or proper to make the exchange beneficial to the public and the owner.

(2.) Before making the award such notices of the proposed exchange shall be given by the Conservators as the arbitrator 30 directs, for the purpose of giving public information of the proposal, and particularly information to the owners and occupiers of land lying within any of the forest parishes.

(3.) Sections sixteen to twenty-two (both inclusive) of the Epping Forest Act, 1878, (which relate to "*arbitration*,") shall, so far as 35 is consistent with the tenor thereof, apply in like manner as if the application, proceeding, and award under this section were under the Epping Forest Act, 1878.

(4.) The award may authorise the payment of any money or the creation of any rentcharge for the purpose of effecting equality of 40 exchange, and may provide for the priority and recovery of such rentcharge.

A.D. 1880.

(5.) All land acquired by the Conservators upon any exchange shall be deemed to be part of the open waste lands of Epping Forest, and be subject accordingly to be regulated and managed by the Conservators, and all land given by the Conservators upon any exchange shall be and enure to, for, and upon the same uses, trusts, intents, and purposes, and be subject to the same tithe, tithe rentcharge, conditions, charges, and incumbrances, as the land given to the Conservators on such exchange would have stood limited or been subject to in case the award ordering the exchange had not been made ; and, subject to the award, shall have appurtenant to it the same right of common or other right, if any, as was appurtenant to the land given to the Conservators on such exchange ; and the exchange shall be valid to all intents, notwithstanding any defect of estate or title on the part of the Conservators or of the owner of the land given in exchange ; and if the land given to the Conservators in exchange is copyhold or customary land the land given by the Conservators shall be held of the lord of the same manor under the same rent, custom, and service as the copyhold or customary land given to the Conservators was or ought to have been held without any new admittance.

(6.) An award under this section shall refer to a map in triplicate which shall be authenticated by the signature of the arbitrator.

(7.) Any money paid to or by the Conservators for equality of exchange shall be paid as capital to or out of the Epping Forest Fund, and such expenses incurred with respect to any exchange as are borne by the Conservators may be paid out of the income of that fund. Any difference which arises with reference to such expenses shall be determined by the arbitrator.

(8.) For the purpose of this section—

The expression "land" includes any incorporeal as well as corporeal hereditaments and any undivided share thereof.

The expression "owner" in relation to any land means any person or corporation who, under the provisions of the Lands Clauses Consolidation Act, 1845, would be enabled to sell and convey land to the promoters of an undertaking, and includes the Conservators.

5. If upon any exchange the Conservators acquire any buildings or ornamental inclosed lands they shall have power from time to time to maintain and to improve and alter the same, and the appurtenances thereof, and to keep the same inclosed, but the Conservators shall make proper provision for securing the enjoyment thereof by the public for exercise and recreation at all reasonable times during the day, and for the access of the commoners' cattle

Provision
as to in-
closed land
acquired on
exchange.

A.D. 1880. to such parts of the land as are suitable for the depasturage of cattle.

The Conservators also may from time to time make byelaws under section thirty-six of the said Act for regulating the use of the said buildings and inclosed lands, and prescribing the times, 5 places, and conditions at and under which the same or any parts thereof are to be used.

Power of arbitrator as to rights in Loughton.

6. The arbitrator shall have authority to determine the amount, nature, and application of the compensation for any rights of any class of persons in the manor and parish of Loughton, other than 10 the right of pasture and pannage, and section twenty-seven of the Epping Forest Act, 1878, shall apply to those rights as if they had been specified in the First Schedule to that Act.

Provisions as to enforcing conditions in award.

7. Where, in pursuance of the Epping Forest Act, 1878, the arbitrator quiets in title any land on the conditions affecting the 15 future use of the land which are specified in any award or order, those conditions shall be annexed to the land for ever, and be binding on every person having or acquiring any estate or interest in that land; and the arbitrator may by award or order provide for enforcing those conditions by forfeiture, action, entry upon the 20 land, restoration of it to its former state, and payment of compensation, or by any of such modes, or otherwise in such mode as is specified in the award or order, and may by award or order provide for the recovery from the person committing or permitting any breach of the said conditions, or by means of a charge on 25 the land, or otherwise as specified in the award or order, of all expenses of or incidental to preventing or remedying any breach of the said conditions, or to otherwise carrying into effect the provisions of the award or order for enforcing those conditions.

The arbitrator may also by award or order provide for the 30 severance, in the event of the subdivision of the said piece of land, of the conditions applicable thereto, and for the application to each sub-division of the provisions of the award or order.

Deposit and copies of maps.

8. Every map authenticated in pursuance of this Act shall be deemed to be part of an award of the arbitrator, and shall be dealt 35 with in manner provided with respect to an award by section nineteen of the Epping Forest Act, 1878, and that section shall apply accordingly in like manner as it applies to an award.

Amendment of
41 & 42 Vict.
c. cxxiii.
Fourth
Schedule,
with respect
to the elec-
tion of
verderers.

9. The requirement of Article twelve of the Fourth Schedule to the Epping Forest Act, 1878, that the elections for the northern 40 and southern forest parishes are to be held on different days shall be construed to apply to the polling day only, and the meeting for nomination at any such election may be held on the same day.

Nothing in Article twenty-one of the said Fourth Schedule shall A.D. 1880.
be deemed to require the returning officer to fix a polling place in
the parish of Epping in the case of an election for the southern
forest parishes.

Epping Forest.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To continue for a limited period the powers of the Arbitrator under the Epping Forest Act, 1878, and to amend that Act.

(*Prepared and brought in by
Mr. Arthur Peel and Secretary Sir William
Harcourt.*)

*Ordered, by The House of Commons, to be Printed,
23 July 1880.*

[Bill 279.]

Under 1 oz.

A

B I L L

TO

Raise a sum by Exchequer Bonds, Exchequer Bills, or A.D. 1880.

Treasury Bills, for the service of the year ending on the
thirty-first day of March one thousand eight hundred
and eighty.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Towards raising the supply granted to Her Majesty for the service of the year ending on the *thirty-first day of March* 15 *one thousand eight hundred and eighty*, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole *sixty thousand pounds*, by the issue of Exchequer Bonds, Exchequer Bills, or Treasury Bills, in 20 manner provided by the Exchequer Bills and Bonds Act, 1866, and the Treasury Bills Act, 1877, so, however, that no Exchequer Bond shall be made out for any sum less than one hundred pounds.

Every Exchequer Bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding *three years* nor less than *twelve months* from the date of such bond.

[Bill 116.]

Treasury
may raise
60,000*l.*
by Exche-
quer Bonds,
Exchequer
Bills, or
Treasury
Bills.

29 & 30 Vict.
c. 25.
40 & 41 Vict.
c. 2.

A.D. 1880. **2.** The interest on all Exchequer Bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

Payment of
interest and
repayment of
principal.

The principal money secured by every Exchequer Bond issued in pursuance of this Act shall be repaid out of moneys provided by Parliament for the purpose.

Money raised
to be paid into
Exchequer.

3. All money raised in pursuance of this Act shall be paid into the Exchequer.

Extension
of sect. 15
of 29 & 30
Vict. c. 25.
as to forgery,
&c., to bonds.

4. Section fifteen of the Exchequer Bills and Bonds Act, 1866, 10 (which section relates to the forgery of Exchequer Bills,) shall apply to all Exchequer Bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer Bond for Exchequer Bill.

Short title. **5.** This Act may be cited as the Exchequer Bills and Bonds 15 (No. 2) Act, 1880.

**Exchequer Bonds and
Bills.**

A

B I L L

To raise a sum by Exchequer Bonds, Exchequer Bills, or Treasury Bills, for the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-one.

(*Prepared and brought in by
Mr. Playfair, Mr. Chancellor of the Exchequer,
and Lord Frederick Cavendish.*)

*Ordered, by The House of Commons, to be Printed,
29 July 1880.*

[Bill 294.]

Under 1 oz.

Excisable Liquors Traffic (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

- 1. Short title.**
 - 2. Limitation of Act.**
 - 3. Commencement of Act.**
 - 4. Interpretation of terms.**
 - 5. Excise license to be granted on production of certificate from licensing authority.**
 - 6. Authorities of ports of call may oppose grant of certificate.**
 - 7. Existing licenses to be treated as subsisting certificates.**
 - 8. Duration of certificates.**
 - 9. Licensing authorities to make rules.**
 - 10. Master may arrest riotous and disorderly persons.**
 - 11. Incorporation of Acts.**
-

A

B I L L

TO

Amend the Law relating to the traffic in Excisable Liquors A.D. 1880.
in Passenger Vessels plying between Scottish Ports.

WHEREAS it is desirable to amend the law relating to the traffic in excisable liquors in passenger vessels plying between Scottish ports:

Be it enacted by the Queen's most Excellent Majesty, by and
5 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Passenger Short title.
Vessels Licensing (Scotland) Act, 1879."
- 10 2. This Act shall apply to Scotland only.
3. This Act shall commence and take effect on and from the *first day of January one thousand eight hundred and eighty-one*, but packet licenses granted by the Commissioners of Inland Revenue for the sale of excisable liquors up to and including the *fifth 15 day of July one thousand eight hundred and eighty-one* shall remain in force up till that date.
4. In this Act the following words and expressions shall have Interpretation of terms.
the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction;
20 viz. :
 - (1.) The word "ship" shall mean and include all steamers and vessels employed in the carriage of passengers, or goods and passengers, and sailing exclusively from any port or ports in Scotland to any other port or ports in Scotland, and every such steamer or vessel licensed under this Act shall for the purposes of this Act be taken and deemed to be an inn or hotel under this Act and the Acts after-mentioned.
 - (2.) The word "port" shall mean any burgh, town, or village to or from which, or to or from the landing place of which any ship shall ply.

[Bill 49.]

A 2

A.D. 1880.

(3.) The words "licensing authority" shall mean the magistrates, or justices of the peace, or joint committee, vested with the power of granting or confirming certificates for the sale of excisable liquors within the bounds of any port.

*Excise
license to be
granted on
production of
certificate
from licens-
ing authority.*

5. Every person who shall be desirous of obtaining a license for 5 the sale of excisable liquors on board of any ship shall apply to the licensing authority of the port, having the largest population at the date of the immediately preceding census, to or from which such ship shall sail or ply, or at which she shall call in the course of her sailings, for authority to keep such ship as an inn or hotel; 10 and the licensing authority of such port shall direct that notice of such application shall be given to the clerks to the licensing authorities of the other ports at which such vessel customarily calls, and after the expiration of fourteen days from the date of such notice may, on being satisfied that it is proper to do so, grant 15 such authority, and in that case a certificate shall be made out and signed by the clerk to such licensing authority in the form, or as nearly as may be in the form of the schedule hereto annexed; and the Commissioners of Inland Revenue shall, on production to them of such certificate, but not otherwise, grant a license to the person 20 holding said certificate; and it shall be lawful for the licensing authority to refuse to grant a certificate to any applicant therefor if they think fit so to do.

*Authorities
of ports of
call may
oppose grant
of certificate.*

6. The procurator-fiscal or chief constable or the clerk of the licensing authority of any port at which any ship customarily calls 25 shall be entitled to appear personally or by depute before the licensing authority of any other port to oppose the grant or renewal of a certificate in respect of such ship.

*Existing
licenses to be
treated as
subsisting
certificates.*

7. Every packet license in force at the commencement of this Act shall in any application under this Act be treated as a subsisting certificate, and may be renewed by the licensing authority in the same way and subject to the same conditions as certificates for inns and hotels are at present renewed under the Acts after-mentioned, or any of them. And the licensing authority shall, in the case of any licensed ship being lost, broken up, sold, or parted 35 with by the owner or owners thereof, treat the certificate held by him or them for the same as a subsisting certificate, with reference to any other ship acquired by such owner or owners in lieu thereof.

*Duration of
certificates.*

8. Every certificate granted in terms of this Act shall have force for the period of one year from the date when the same is 40 granted, and up to and including the fifth day of July following.

9. The licensing authority of every port shall make such rules and regulations as they may see fit, otherwise than as herein provided for, as to the times and places at which meetings for the granting and renewing of certificates shall be held, and for ascertaining the character of the persons making application therefor, and the expediency of granting the same for the ships for which they are sought to be obtained.

A.D. 1880.

Licensing authorities to make rules.

10. It shall be lawful for the master of any vessel licensed under this Act to take into custody any person guilty of riotous and disorderly conduct on board such vessel while upon her voyage, and to retain such person in custody until the arrival of the vessel at the first port or at the port of his destination, and then to give him in charge of the police to be dealt with according to the provisions of the Public Houses (Scotland) Act Amendment Act, 1862.

Master may arrest riotous and disorderly persons.

15 11. The whole provisions, definitions, and enactments of the Acts after-mentioned relative to certificates, licenses, rules and regulations for granting the same, offences and crimes, fines, pains and penalties, and their infliction, payment, recovery, and appropriation thereof, and to all other matters and things under said 20 Acts, so far as regards inns and hotels, shall be applicable to this Act, and to all certificates and licences granted, and to all ships licensed under the same, and shall be read as, and be held to be part of this Act in the same way and manner and to the same extent and effect as if they had been herein enacted, except in so 25 far as not consistent with or not required to carry out the provisions of this Act; viz., (1.) The Act 9 Geo. IV. c. 47, intituled, the Act 9 Geo. IV., c. 58, intituled "An Act to regulate the granting " of certificates by justices of the peace and magistrates authorising " persons to keep common inns, alehouses, and victualling houses 30 " in Scotland, in which ale, beer, spirits, wine, and other excisable " liquors may be sold by retail under excise licenses; and for " the better regulation of such houses; and for the prevention of " such houses being kept without such certificates;" (2.) the Act 4th and 5th William IV., c. 75, intituled, "An Act to repeal 35 " the duties on spirits made in Ireland, and to impose other duties " in lieu thereof; and to impose additional duties on licenses " to retailers of spirits in the United Kingdom;" (3.) the Act 16th and 17th Victoria, c. 67, intituled "An Act for the better " regulation of public houses in Scotland;" (4.) the Public Houses 40 Acts Amendment (Scotland) Act, 1862; and (5.) the Publicans' Certificates (Scotland) Act, 1876: Provided always, that so much of the eighth section of the Public Houses (Scotland) Acts Amend-

Incorporation of Acts.

A.D. 1880. ment Act, 1862, as requires a report subscribed by a justice of the peace or a magistrate upon the construction or accommodation of premises in respect of which certificates are applied for, shall not apply to the case of application for certificates for ships under this Act.

SCHEDULE.

A.D. 1880.

THE PASSENGER VESSELS LICENSING (SCOTLAND) ACT, 1879.

Certificate by the Licensing Authority of the Port of

Clerk of the Licensing Authority of the Port of

Excisable Liquors Traffic (Scotland).

B I L L

A

To amend the Law relating to the traffic in Excisable Liquors in Passenger Vessels plying between Scottish Ports.

(Prepared and brought in by
Dr. Cameron, Lord Colin Campbell,
Mr. Dalrymple, Mr. James Stewart,
Mr. Orr Ewing, Mr. Grant, and
Mr. Yeaman.)

Ordered, by The House of Commons, to be Printed,
6 February 1880.

[Bill 49.]

Under 1 oz.

A

B I L L

TO

Continue various expiring Laws.

A.D. 1880.

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and eighty:

5 And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and 10 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Expiring Laws Continuance Short title. Act, 1880.

2. The Acts mentioned in column one of the schedule to this 15 Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the *thirty-first day of December one thousand eight hundred and eighty-one*, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are 20 temporary in their duration, be continued in like manner.

Continuance
of Acts in
schedule.

[Bill 297.]

A.D. 1880.

S C H E D U L E.

| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. | |
|---|---|--|----------|
| (1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland). | The whole Act so far as it is not repealed. | 3 & 4 Vict. c. 91. (except ss. 18 and 28). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60. | 10 |
| (2) 8 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption. | The whole Act. | — | |
| (3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners. | So much as relates to the appointment of and the period for holding office by Commissioners and other officers. | 14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73. | 15 |
| (4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads. | The whole Act. | — | 20 |
| (5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland). | As to powers of Commissioners. | 12 & 18 Vict. c. 59. 13 & 14 Vict. c. 81. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40. | 25 |
| (6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction. | As to provisions continued by 21 & 22 Vict. c. 50. | — | 30 |
| (7) 11 & 12 Vict. c. 32. County Cess (Ireland). | The whole Act - - | 20 & 21 Vict. c. 7. | |
| (8) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management. | The whole Act so far as it is not repealed. | 17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 28 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10. | 35 40 |
| (9) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland). | The whole Act. | — | |
| (10) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act. | As to appointment of inspectors, s. 31. | — | 45 |
| (11) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland). | As to the powers of Commissioners, &c. | 26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118. | 50 |
| (12) 26 & 27 Vict. c. 105. Promissory Notes. | The whole Act. | — | |

| | 1. Original Acts. | 2. How far continued. | 3. Amending Acts. | A.D. 1880. |
|----|--|--|---|------------|
| 5 | (13) 27 & 28 Vict. c. 20. Pro- missory Notes and Bills of Exchange (Ireland). | The whole Act. | — | — |
| 10 | (14) 28 & 29 Vict. c. 46. Militia Ballots Suspension. | The whole Act. | — | — |
| 15 | (15) 28 & 29 Vict. c. 83. Loco- motives on Roads. | The whole Act so far as it is not repealed. | 41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.) | — |
| 20 | (16) 29 & 30 Vict. c. 52. Pro- secution Expenses. | The whole Act. | — | — |
| 25 | (17) 32 & 33 Vict. c. 42. Irish Church. | So much as relates to the period for holding office by Commissioners and officers (s. 9). | — | — |
| 30 | (18) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions. | The whole Act. | — | — |
| 35 | (19) 35 & 36 Vict. c. 83. Par- liamentary and Municipal Elections (Ballot). | The whole Act - | 38 & 39 Vict. c. 40. (Municipal Elections.) 38 & 39 Vict. c. 84. } 41 & 42 Vict. c. 41. } (Returning Officers Ex- penses.) | — |
| | (20) 38 & 39 Vict. c. 48. Police Expenses. | The whole Act. | — | — |
| | (21) 39 & 40 Vict. c. 21. Juries (Ireland). | The whole Act. | — | — |

Expiring Laws Con- tinuance.

B I L L

A

To continue various expiring Laws.

(Prepared and brought in by
Mr. John Holmes and Lord Frederick Cavendish.)

Ordered, by The House of Commons, to be Printed,
3 August 1880.

[Bill 297.]

Under 1 oz.

Fixity of Tenure (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

PART I.

Provisions for securing Fixity of Tenure, and the Ascertainment of Fair Rents. Tenancies from year to year.

Clause.

1. Restriction of the right of ejectment grounded on notice to quit.
 2. Notices to quit not to be served without leave.
 3. Right of tenant to serve process to have his rent reduced to a fair rent.
 4. Proceedings to enforce such claim.
 5. Right of landlord to serve process to have the rent increased to a fair rent.
 6. Proceedings to enforce such claim.
 7. Fair rent defined and mode to be pursued in ascertaining same.
 8. Implied reservations to the landlord.
 9. Prohibition against subletting or subdividing the tenant's holding.
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PART II.

Provisions for securing the right of Free Sale.

10. Right of unrestricted sale without regard to office rules.
 11. Landlord or tenant not to contract themselves out of the Act except in certain cases.
 12. Right of ejectment for non-payment of rent not to be affected by this Act.
-

PART III.

Provisions with respect to Holdings under Lease or Contract in Writing.

13. On termination of lease tenant to hold as tenant from year to year subject to the incidents of such tenancies as declared by first and second parts of this Act.

[Bill 144.]

A

Clauses.

14. Exclusion of certain interests from the operation of section 13.
15. Landlord or tenant not to contract himself out of this part of the Act except in certain cases.
16. Extension of leasing powers of limited owners to ninety-nine years, (twenty-eighth section of Land Act, 1870.)
17. Tenant may in all cases deduct proportion of county cess.
18. Right of appeal and rules to be made.
19. Interpretation of terms.
20. Incorporation with Land Act, 1870, and short title.
21. Application of Act.

SCHEDULE.

A

B I L L

TO

Secure to Tenants of Agricultural Holdings in Ireland Fixity A.D. 1880.
of Tenure at fair Rents.

WHEREAS it is expedient to secure to the tenants of agricultural holdings in Ireland fixity of tenure subject to fair rents, and to amend the law relating to landlord and tenant in respect of such holdings :

5 Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

10 *Provisions for securing Fixity of Tenure and the Ascertainment of Fair Rents. Tenancies from year to year.*

1. No landlord of any holding as defined by this Act held under a tenancy from year to year, whether created before or after the passing of this Act, shall be entitled to obtain a decree or judgment 15 in any action of ejectment for the possession of such holding grounded on a notice to quit, unless he shall prove to the satisfaction of the court appointed to hear and determine land claims for the district within which the same is situate that some one or more of the following matters have occurred :
- 20 (a.) That the landlord has offered, and at the time of the trial of such action is willing to continue the tenant in his holding at a fair rent ascertainable as provided for in section seven of this Act, and that the tenant has refused and is at the time of the trial of such action unwilling to continue 25 at the rent so to be determined :
- (b.) That the tenant has allowed his holding to become sub-

[Bill 144.] A 2

Restrictions
of the right
of eject-
ment
grounded on
notice to
quit.

A.D. 1880.

stantially deteriorated in value, or shall be guilty of wilfully persisting in committing waste :

- (c.) That the tenant has without sufficient reason refused to allow his landlord to exercise some one or more of his rights as reserved by section eight :
 (d.) That the holding has become subdivided by assignment or sublet as specified in section nine of this Act without the consent in writing of the landlord.

5

Notice to quit not to be served without leave.

2. It shall not be lawful for the landlord of any such holding, whether created before or after the passing of this Act, to serve 10 any notice to quit in order to recover possession upon any of the grounds specified in the last section, unless and until he shall have obtained liberty so to do from the court, and such application may be made ex parte, and shall be grounded upon an affidavit filed with the clerk of the peace showing sufficient grounds why liberty to 15 serve the notice to quit should be granted; and the court may either grant leave or refuse the same in its discretion, or may direct notice of the application to be given to the tenant and adjudicate thereupon as may be just.

Right of tenant to serve claim to have his rent reduced to a fair rent.

3. It shall be lawful for the tenant of any holding held under 20 a tenancy from year to year, whether created before or after the passing of this Act, to issue a claim and bring the same before the court, claiming to have the rent of such holding reduced to a fair rent, according to the provisions of this Act; and such claim shall state the reduction proposed by the tenant, and a copy thereof shall 25 be lodged with the clerk of the peace. It shall be lawful for the landlord, if he shall agree to such reduction of the rent, to serve upon the tenant and lodge with the clerk of the peace a notice in writing within days after the service of such claim that he agrees thereto; and thereupon all further proceedings upon the claim shall 30 be stayed, and the rent so agreed upon shall accrue and be payable from the gale day next preceding the service of such claim, *and shall thenceforth continue for a period of seven years and such further time until either the landlord or the tenant shall again claim to have the same adjusted under the provisions of this Act.*

35

Proceedings to enforce such claim.

4. In any such action as aforesaid if the landlord shall not so agree to the reduction of rent claimed by the tenant, or shall omit to serve such notice within the time in that behalf provided as aforesaid, the tenant may proceed to have the same heard by the court within such time and subject to such rules as shall be made 40 pursuant to the provisions of this Act; and upon the hearing of such claim it shall be the duty of the court to inquire into and determine

whether the reduction claimed by the tenant is fair and reasonable, A.D. 1880.
 and shall determine what is the fair rent which should be paid by
 the tenant for his holding according to the principles specified in
 section seven of this Act, and the costs shall be in the discretion of
 5 the court. The rent when so ascertained and certified by the judge
 shall thenceforth be the rent payable by the tenant in respect of
 such holding for a period of seven years at the least, and until the
 same shall be again adjusted at the instance of either the landlord
 or the tenant, and the judge shall if required execute to the parties
 10 a declaration in the form or a similar form to that in the schedule
 to this Act contained, and in case the tenant shall fail to prosecute
 such claim to a hearing, then same shall stand dismissed as to costs
 or otherwise, as the court shall direct.

5. It shall be lawful for the landlord of any holding held under Right of
 15 a tenancy from year to year, whether created before or after the landlord to
 passing of this Act, to issue a claim and bring the same before the serve claim
 court, claiming to have the rent of such holding increased to a fair to have
 rent according to the provisions of this Act and such claim shall the rent
 state the increase proposed by the landlord, and a copy thereof shall increased to
 20 be lodged with the clerk of the peace; and it shall be lawful for the a fair rent.
 tenant, if he shall agree to such increase of the rent, to serve upon
 the landlord a notice in writing within days after he shall have
 been served with the claim, that he agrees thereunto, and shall lodge
 a copy of such notice with the clerk of the peace, and thereupon all
 25 further proceedings shall be stayed, and the rent so agreed upon shall
 accrue and be payable from the gale day next preceding the service of
 such claim and thenceforth continue for a period of *seven years* and
 such further time either until the landlord or the tenant shall seek
 to have the same again adjusted under the provisions of this Act.

30 6. In any such claim as aforesaid, if the tenant shall not agree Proceedings
 to the increase of rent claimed by the landlord, or shall omit to to enforce
 serve such notice within the time in that behalf provided as aforesaid, such claim.
 the landlord may proceed to have the same heard by the court within such time and subject to such rules as shall be made
 35 pursuant to the provisions of this Act; and upon the hearing of such claim it shall be the duty of the court to inquire into and determine whether the increase of rent claimed by the landlord is fair and reasonable, and shall determine what is the fair rent which should be paid by the tenant for his holding according to the
 40 principles specified in section seven of this Act, and the costs shall be in the discretion of the court. The rent when so ascertained and certified by the judge shall thenceforth be the rent payable by

A.D. 1880. the tenant in respect of such holding for a period of *seven years* and until the same shall be again adjusted at the instance of either the landlord or the tenant, and the judge shall if required execute to the parties a declaration in the form or a similar form to that in the schedule to this Act contained ; and in case the landlord shall fail 5 to prosecute the claim to a hearing the same shall stand dismissed upon such terms as to costs and otherwise as the court shall direct.

Fair rent
defined, and
mode to be
pursued in
ascertaining
same.

7. In ascertaining what shall be the fair rent of a holding, the judge shall proceed in manner following, and shall observe the following principles :—The rent to be deemed the fair rent shall 10 be that which a solvent and responsible tenant could at the time of the inquiry afford to pay fairly and without collusion for the premises, after deducting from such rent, First :—The addition to the letting value of the premises referable to any unexhausted and suitable improvements made by the tenant or his predecessors in title, 15 and after deducting, Secondly :—Any increase of letting value referable to the expenditure of labour or capital of the tenant, whether the same be capable of being specified in detail or not. And the judge shall further take into consideration any variation in the average price of agricultural produce or stock which shall have taken 20 place since the holding was last in the possession of the landlord or his predecessors in title if evidence of the same be offered. And it shall be lawful for either the landlord or the tenant by notice in writing, to be served by registered letter through the post upon the clerk of the peace, not less than fourteen days prior to the hearing 25 of the claim, to require him to make application to the Commissioner of the Tenant Valuation of Rateable Property in Ireland, at his office in Dublin, to send a valuator to inspect the premises, and to attend at the hearing of the claim, which requisition the clerk of the peace shall comply with. And it shall be the duty of the said commis- 30 sioner to appoint a valuator for the purpose, and the valuator to be appointed shall, after inspecting the premises, attend the court and give evidence upon oath as to the rent which a solvent and responsible tenant could at the time of the inquiry afford to pay fairly and without collusion for the premises, and the expense of 35 such attendance of the valuator shall be deemed to be part of the costs and expenses of and incident to the annual revision of the tenement valuation of rateable property in Ireland, and shall be defrayed accordingly.

Implied
reservations
to the land-
lord.

8. There shall be deemed to be reserved to every landlord of 40 every such holding, all royalties, mines, minerals, and quarries, with liberty to enter upon the premises for the purpose of digging

and searching for mines and minerals, making full compensation A.D. 1880.
to the tenant for any injury done in such searching and digging.
and carrying away the same. There shall be also deemed to be
reserved to such landlord a right of entering on the premises by
5 himself, his servants, and licencees for the purpose of fishing, sporting,
or in pursuit of game, and also a right of entry to view and examine
the condition of the premises.

9. It shall not be lawful for any such tenant to let his holding or any part thereof to any person without the consent in writing of 10 the landlord or his agent, or to assign a portion of his holding so as to subdivide the same without such consent as aforesaid, or to devise the same to more than one person ; but nothing herein contained shall prevent any tenant from charging his estate in said lands by his last will and testament, or by any deed executed in his lifetime, 15 with such charges in favour of one or more persons as he may think fit, and none of the following acts or things shall be deemed to be a violation of the provisions herein-before contained against subdivision :—
- (a.) Letting the lands or any part thereof in conacre or for 20 grazing, according to the usual course of conacre and grazing ;
 - (b.) Letting the whole or part of a house with any portion of the premises for a temporary purpose ;
 - (c.) Letting to any agricultural labourer any quantity of land not 25 exceeding the proportion of one acre to thirty acres of the holding ;
- and all lettings or assignments in contravention of this Act shall except for authorising proceedings taken by the landlord in consequence thereof, be absolutely null and void.
- 30 Provided that in the case landlord shall, without reasonable cause, decline on the application of the tenant to consent to the subdivision or sub-letting applied for, it shall be lawful for the tenant to apply to the court for liberty so to subdivide or sublet in such manner and subject to such conditions as the court shall direct.

Provisions for securing the Right of Free Sale.

10. The tenant of every holding as defined by this Act shall have the right to sell his interest in his holding by private sale or public auction, all contracts, agreements, estate or office rules or usages to [144.] A 4 Right of unrestricted sale, without regard to office rules.

A.D. 1880. the contrary notwithstanding; provided always that the entire estate and interest of the tenant in his holding shall be sold, and sold in one lot only, and the purchaser of every such holding (if not the landlord) shall become the tenant thereof, and such holding shall be held at the same rent and subject to the same rights, liabilities, and 5 incidents which affected the same prior to such sale under the provisions of this Act, as if no change had taken place in the occupation of said holding.

Landlord or
tenant not to
contract
themselves
out of the
Act except
in certain
cases.

11. It shall not be lawful for any landlord or tenant whose holding shall be valued according to the Act in force for the tenement 10 valuation of rateable property in Ireland at a less sum than *one hundred pounds* to contract himself out of the provisions of this Act.

Right of
ejectment
for non-pay-
ment of rent
not to be
affected.

12. Nothing in this Act contained shall affect the right of a landlord to recover possession in ejectment for non-payment of rent. 15

PART III.

Provisions with respect of Holdings under Lease or Contract in Writing.

On termina-
tion of lease
tenant to
hold from
year to year
subject to
the incidents
declared by
first and
second parts
of this Act.

13. It shall not be lawful for any landlord of a holding as defined by this Act, and held under a lease or contract in writing 20 for a term exceeding *one year*, and whether made before or after the passing of this Act, on the termination of such lease or contract in writing, to recover possession of such holding by process or action of ejectment on the title, or exercise any right of re-entry; but on the termination of such lease or contract in writing the 25 lessee or tenant shall be deemed to hold the premises as tenant from year to year at the rent and subject to the conditions payable under and contained in the lease or contract in writing, and the holding shall thenceforth in all respects be subject to the provisions, rights, incidents, and liabilities set forth and contained in first and 30 second parts of this Act in respect of holdings held from year to year, and as if the same holding had not been demised by lease or contract in writing, but had always been held under a tenancy from year to year.

Exclusion of
certain in-
terests from
the opera-
tion of sec-
tion 13.

14. The provisions of this part of this Act shall not extend to 35 holdings held under lease or contract in writing made before or after the passing of this Act in the following cases:—

(a.) Leases of holdings of the annual value of *one hundred*

pounds under the Act for the valuation of rateable property in Ireland : A.D. 1880.

- (b.) Leases containing covenants for perpetual renewal :
- (c.) Leases containing toties quoties covenants for renewal :
- 5 (d.) Leases made by the Chancery Division of the High Court of Justice in any matter or cause :
- (e.) Leases made for a temporary purpose :
- (f.) Leases made for *ninety-nine* years or upwards.

15. It shall not be lawful for any landlord or tenant of any holding held under lease or contract in writing made after the passing of this Act to contract himself out of the provisions of this part of this Act, except in the cases following :—

- 10 (a.) When the holding is valued under the Act relating to the valuation of valuable property in Ireland at an annual value of one hundred pounds or upwards :
- 15 (b.) When the lands are leased for a term of ninety-nine years or upwards.

16. The powers conferred upon limited owners by the twenty-eighth section of the Landlord and Tenant (Ireland) Act, 1870, shall 20 after the passing of this Act be extended to the making of leases for any term of years not exceeding ninety-nine years, subject to the several restrictions contained in the said section of the said Act.

17. The right conferred by the sixty-fifth section of the Landlord and Tenant (Ireland) Act, 1870, upon occupiers of premises liable 25 to the payment of grand jury cess under tenancies created after the passing of the said Act, to deduct the portion of grand jury cess therein mentioned, shall extend to every holding within the provisions of this Act, whether made before or after the passing of the said Act, and whether under the lease or contract of tenancy the 30 tenant has either expressly or impliedly agreed not to deduct any part of the county cess, any contract or agreement to the contrary notwithstanding.

18. The same right of appeal from any decision under this Act shall exist as is provided by the Land Act for appeals from decisions 35 thereunder, and rules shall be made for the carrying out the provisions of this Act by the Court for Land Cases Reserved, or any of the judges named in that behalf, and in manner as provided by the thirty-first section of the Land Act.

19. In the construction of this Act the following words and 40 expressions shall have the force and meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto.

Landlord or tenant not to contract himself out of this part of the Act except in certain cases.

Extension of leasing powers of limited owners to ninety-nine years.

Tenant may in all cases deduct proportion of county cess.

Right of appeal and rules to be made.

Interpretation of terms.

A.D. 1880. — The term "Land Act" shall mean the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, entitled An Act to amend the law relating to the occupation and ownership of land in Ireland.

The term "holding" shall include every holding which is agricultural or pastoral in its character, or partly agricultural and partly pastoral, but shall not include, (a) any holding held by the tenant as the hired servant or labourer of the landlord; (b) any letting in conacre or for feeding cattle; (c) any land let temporarily for grazing; (d) any holding let and expressed in the document by which it is let to be for the temporary convenience or to meet a temporary necessity either of the landlord or the tenant; (e) any cottage allotment not exceeding half an acre.

The terms "lease," "settlement," "landlord," "tenant," "person," "party," "county," "prescribed," shall respectively have the force and meaning assigned to them by the Land Act.

The term "action" shall mean and include "claim."

The term "court" shall mean the land court of the county, district, or division within which the lands are situated.

The term "judge" shall mean the county court judge or any judge of the High Court of Justice having cognizance of the subject matter as one of the judges of assize, or of the Court of Land Cases Reserved.

20. This Act shall, so far as is consistent with the provisions thereof, be construed as one with the Landlord and Tenant (Ireland) Act, 1870, and may be cited for all purposes as the Fixity of Tenure Act (Ireland), 1880.

21. This Act shall apply to Ireland only.

SCHEDULE.

A.D. 1880.

**Fixity of Tenure.
(Ireland).**

A

B I L L

To secure to Tenants of Agricultural Holdings in Ireland Fixity of Tenure at Fair Rents.

(*Prepared and brought in by
Mr. Litton, Mr. Dickson, Mr. Givon,
Mr. Findlater, and Mr. James Richardson.*)

*Ordered, by The House of Commons, to be Printed,
24 May 1880.*

[Bill 144.]

Under 2 oz.

Fraudulent Debtors (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Extent of Act.
 3. Commencement of Act.
 4. Construction of Act.
 5. Punishment of fraudulent debtors in certain specified cases.
 6. Punishment of fraudulent debtors generally.
 7. Penalty for absconding with property.
 8. Penalty on fraudulently obtaining credit, &c.
 9. False claim, &c., a crime and offence.
 10. Penalty for not attending examination.
 11. Power to give information to Lord Advocate.
 12. As to punishments under this Act for offences punishable otherwise.
-

A

B I L L

TO

Provide for the better Punishment of Fraudulent Debtors in A.D. 1880.
Scotland.

B E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5 1. This Act may be cited for all purposes as the Fraudulent Short title.
Debtors (Scotland) Act, 1880.

2. This Act shall extend to Scotland only. Extent of
Act.

3. This Act shall come into operation on the *first day of November one thousand eight hundred and eighty*, which day is 10
herein-after referred to as the commencement of this Act. Commencement of Act.

4. This Act shall be read and construed as one with the Bankruptcy (Scotland) Act, 1856, and words and expressions to which a definite meaning is assigned in the said Act, shall have the same meaning in this Act ; and for the purposes of this Act the word 15 "trustee" means and includes a trustee appointed under a petition for sequestration, and also a trustee under a process of *cessio bonorum*, or under a deed of arrangement in pursuance of the Bankruptcy (Scotland) Act, 1856. Construction of Act.

5. Any person against whom sequestration has been awarded 20 under the Bankruptcy (Scotland) Act, 1856, or who executes a deed of arrangement under that Act, or who raises a process of *cessio bonorum*, shall, in each of the cases following, be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *two years*, with 25 or without hard labour ; that is to say,

30 1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee all his property, heritable and moveable, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his

[Bill 94.]

A 2

Punishment
of fraudu-
lent debtors
in certain
specified
cases.

A.D. 1880.

family, unless the jury is satisfied that he had no intent to defraud :

2. If he does not deliver up to such trustee all such part of his property as is in his custody or under his control, and which he is required by law to deliver up, or if he does not deal 5 with and dispose of the same according to the directions of the trustee, unless the jury is satisfied that he had no intent to defraud :
3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers, and writings in his custody or 10 under his control relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud.

Punishment
of fraudu-
lent debtors
generally.

6. Any person against whom a sequestration is awarded under the Bankruptcy (Scotland) Act, 1856, or who executes a deed of arrangement under that Act, or raises a process of *cessio bonorum*, 15 shall, in each of the cases following, be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *two years*, with or without hard labour ; that is to say,

1. If after the presentation of a petition for sequestration against 20 or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, or within four months next before such presentation or approval or raising, he conceals any part of his property to the value of *ten pounds* or upwards, or conceals any debt 25 due to or from him, unless the jury is satisfied that he had no intent to defraud :
2. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, 30 or within *four months* next before such presentation or approval or raising, he fraudulently removes any part of his property of the value of *ten pounds* or upwards :
3. If he makes any material omission in any state of affairs or statement relating to his affairs, unless the jury is satisfied 35 that he had no intent to defraud :
4. If, knowing or believing that a false debt has been proved by any person under the sequestration or process of *cessio bonorum* or deed of arrangement, he fails for the period of a month from the time of his acquiring such knowledge or belief to 40 inform the trustee thereof :
5. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of

A.D. 1880.

- arrangement, or the raising of a process of *cessio bonorum*, he withholds or prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
6. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, or within *four months* next before such presentation or approval or raising, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
- 10 7. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, or within four months next before such presentation or approval or raising, he makes or is privy to the making of any false entry in any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
- 15 8. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, or within four months next before such presentation or approval or raising, he fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulently parting with, altering, or making any omission in, any book, document, paper, or writing affecting or relating to his property or affairs :
- 20 9. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, or at any meeting of his creditors within *four months* next before such presentation or approval or raising, he attempts to account for any part of his property by fictitious losses or expenses :
- 25 10. If within four months next before the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, he, by any false representation or other

A.D. 1880.

fraud, has obtained any property on credit and has not paid for the same :

11. If within four months next before the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit and has not paid for the same, unless the jury is satisfied that he had no intent to defraud : 10
12. If within four months next before the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or the raising of a process of *cessio bonorum*, he, being a trader, pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, 15 any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud :
13. If he is guilty of any false representation or other fraud for the purpose of obtaining the assent of any of his creditors 20 to any resolution passed at any meeting of his creditors or deed of arrangement by him.

Penalty for
absconding
with pro-
perty.

7. If any person against whom sequestration is awarded under the Bankruptcy (Scotland) Act, 1856, or who executes a deed of arrangement under that Act, or in whose favour decree has been 25 given in a process of *cessio bonorum*, after the date of awarding such sequestration, or the approval by the sheriff of such deed, or the granting of such decree, or within four months before such dates respectively quits Scotland and takes with him, or attempts or makes preparation for quitting Scotland and for taking with him, 30 any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty of a crime punishable with imprisonment for a time not exceeding *two years*, with or without hard labour. 35

Penalty on
fraudulently
obtaining
credit, &c.

8. Any person shall in each of the cases following be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *one year*, with or without hard labour ; that is to say,

- (1.) If in incurring any debt or liability he has obtained credit 40 under false pretences, or by means of any other fraud :
- (2.) If he has, with intent to defraud his creditors, or any of

A.D. 1880.

them, made or caused to be made any gift, delivery, or transfer of or any charge on his property:

- 5 (3.) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him:
- 10 (4.) If, being a bankrupt, and not having obtained his discharge, he contracts a debt to the amount of *twenty pounds* or upwards without informing the person from whom he obtained credit for such amount that he has not obtained his discharge.

15 9. If any creditor under any petition for sequestration or deed of arrangement, or process of *cessio bonorum*, wilfully, and with intent to defraud, makes any false claim, or makes or tenders any proof, declaration, or statement of account which is untrue in any material particular, he shall be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *one year*, with or without hard labour.

20 10. If any person against whom sequestration is awarded under the Bankruptcy (Scotland) Act, 1856, fails, (after receiving the prescribed notice in that behalf) to attend the public examination appointed by the Lord Ordinary or Sheriff, as the case may be, or if any such person, or any person in whose favour decree has been pronounced in a process of *cessio bonorum*, fails to submit himself 25 for examination in terms of the Statutes, having no reasonable excuse which shall be allowed by the Lord Ordinary or Sheriff, as the case may be, he shall be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *one year*, with or without hard labour.

30 11. Where the Lord Ordinary or the Sheriff, as the case may be, is of opinion, either from the representation of the trustee, or from other sources, that a prosecution ought to be instituted against the debtor for any offence under this Act, the Lord Ordinary or Sheriff may direct that information shall be laid before the Lord Advocate, 35 who shall direct such inquiry and take such proceedings as he shall think fit.

12. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded 40 against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

Fraudulent Debtors (Scotland).

A

B I L L,

To provide for the better Punishment
of Fraudulent Debtors in Scotland.

(Prepared and brought in by
The Lord Advocate and Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
1 March 1880.

[Bill 94.]

Under 1 oz.

Fraudulent Debtors (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Extent of Act.
 3. Commencement of Act.
 4. Imprisonment for debt to be abolished.
 5. Construction of Act.
 6. Punishment of fraudulent debtors in certain specified cases.
 7. Punishment of fraudulent debtors generally.
 8. Penalty for absconding with property.
 9. Penalty on fraudulently obtaining credit, &c.
 10. False claim, &c., a crime and offence.
 11. Penalty for not attending examination.
 12. Power to give information to Lord Advocate.
 13. As to punishments under this Act for offences punishable otherwise.
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A

B I L L

TO

Abolish Imprisonment for Debt, and to provide for the A.D. 1880.
better Punishment of Fraudulent Debtors in Scotland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited for all purposes as the *Fraudulent Debtors (Scotland) Act, 1880.* Short title.
2. This Act shall extend to Scotland only. Extent of Act.
3. This Act shall come into operation on the *first day of November one thousand eight hundred and eighty,* which day is Commencement of Act. herein-after referred to as the commencement of this Act.
4. *From and after the commencement of this Act* imprisonment for civil debt, except as herein-after provided, shall be abolished. Imprisonment for debt to be abolished. Construction of Act.
- 15 5. This Act shall be read and construed as one with the *Bankruptcy (Scotland) Act, 1856,* and words and expressions to which a definite meaning is assigned in the said Act, shall have the same meaning in this Act ; and for the purposes of this Act the word "trustee" means and includes a trustee appointed under a petition for sequestration, and also a trustee under a deed of arrangement in pursuance of the *Bankruptcy (Scotland) Act, 1856.*
- 20 6. Any person against whom sequestration has been awarded under the *Bankruptcy (Scotland) Act, 1856,* or who executes a deed of arrangement under that Act, shall, in each of the cases following, be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *two years,* with or without hard labour ; that is to say, Punishment of fraudulent debtors in certain specified cases.
- 25 1. If he does not, to the best of his knowledge and belief, fully and truly discover to the trustee all his property, heritable and moveable, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of
- 30 [Bill 185.] A 2

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his trade (if any), or laid out in the ordinary expense of his family, unless the jury is satisfied that he had no intent to defraud :

2. If he does not deliver up to such trustee all such part of his property as is in his custody or under his control, and which 5 he is required by law to deliver up, or if he does not deal with and dispose of the same according to the directions of the trustee, unless the jury is satisfied that he had no intent to defraud :
3. If he does not deliver up to such trustee, or as he directs, all 10 books, documents, papers, and writings in his custody or under his control relating to his property or affairs, unless the jury is satisfied that he had no intent to defraud.

Punishment
of fraudu-
lent debtors
generally.

7. Any person against whom a sequestration is awarded under the Bankruptcy (Scotland) Act, 1856, or who executes a deed of arrangement under that Act, shall, in each of the cases following, be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *two years*, with or without hard labour ; that is to say,

1. If after the presentation of a petition for sequestration against 20 or by him, or the approval by the sheriff of a deed of arrangement, or within four months next before such presentation or approval he conceals any part of his property to the value of *ten pounds* or upwards, or conceals any debt due to or from him, unless the jury is satisfied that he had 25 no intent to defraud :
2. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or within *four months* next before such presentation or approval, he fraudulently removes any part of his 30 property of the value of *ten pounds* or upwards :
3. If he makes any material omission in any state of affairs or statement relating to his affairs, unless the jury is satisfied that he had no intent to defraud :
4. If, knowing or believing that a false debt has been proved by 35 any person under the sequestration or deed of arrangement, he fails for the period of a month from the time of his acquiring such knowledge or belief to inform the trustee thereof :
5. If after the presentation of a petition for sequestration against 40 or by him, or the approval by the sheriff of a deed of arrangement, he withholds or prevents the production of any book, document, paper, or writing affecting or relating to his

A.D. 1880.

- property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
6. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or within *four months* next before such presentation or approval, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
 7. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or within four months next before such presentation or approval, he makes or is privy to the making of any false entry in any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
 8. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or within four months next before such presentation or approval, he fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulently parting with, altering, or making any omission in, any book, document, paper, or writing affecting or relating to his property or affairs :
 9. If after the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, or at any meeting of his creditors within *four months* next before such presentation or approval, he attempts to account for any part of his property by fictitious losses or expenses :
 10. If within four months next before the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, he, by any false representation or other fraud, has obtained any property on credit and has not paid for the same :
 11. If within four months next before the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, he, being a trader, obtains, under the false pretence of carrying on business and dealing in the ordinary way of his trade, any property on credit and

A.D. 1880.

- has not paid for the same, unless the jury is satisfied that he had no intent to defraud :
12. If within four months next before the presentation of a petition for sequestration against or by him, or the approval by the sheriff of a deed of arrangement, he, being a trader, pawns, 5 pledges, or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for, unless the jury is satisfied that he had no intent to defraud :
 13. If he is guilty of any false representation or other fraud for 10 the purpose of obtaining the assent of any of his creditors to any resolution passed at any meeting of his creditors or deed of arrangement by him.
- 8.** If any person against whom sequestration is awarded under the Bankruptcy (Scotland) Act, 1856, or who executes a deed of 15 arrangement under that Act, after the date of awarding such sequestration, or the approval by the sheriff of such deed, or within four months before such dates respectively quits Scotland and takes with him, or attempts or makes preparation for quitting Scotland and for taking with him, any part of his property to the amount 20 of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury is satisfied that he had no intent to defraud) be guilty of a crime punishable with imprisonment for a time not exceeding *two years*, with or without hard labour. 25
- 9.** Any person shall in each of the cases following be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *one year*, with or without hard labour ; that is to say,
- (1.) If in incurring any debt or liability he has obtained credit 30 under false pretences, or by means of any other fraud :
 - (2.) If he has, with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property :
 - (3.) If he has, with intent to defraud his creditors, concealed or 35 removed any part of his property since or within two months before the date of any unsatisfied decree or order for payment of money obtained against him :
 - (4.) If, being a bankrupt, and not having obtained his discharge, he contracts a debt to the amount of *twenty pounds* or 40 upwards without informing the person from whom he obtained credit for such amount that he has not obtained his discharge.

Penalty for
abandoning
with pro-
perty.Penalty on
fraudulently
obtaining
credit, &c.

- 10.** If any creditor under any petition for sequestration or deed of arrangement, wilfully, and with intent to defraud, makes any false claim, or makes or tenders any proof, declaration, or statement of account which is untrue in any material particular, he shall be 5 deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *one year*, with or without hard labour. A.D. 1880.
False claim,
&c., a crime
and offence.
- 11.** If any person against whom sequestration is awarded under the Bankruptcy (Scotland) Act, 1856, fails, (after receiving the pre-10 scribed notice in that behalf) to attend the public examination appointed by the Lord Ordinary or Sheriff, as the case may be, or if any such person fails to submit himself for examination in terms of the Statutes, having no reasonable excuse which shall be allowed by the Lord Ordinary or Sheriff, as the case may be, he shall be 15 deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding *one year*, with or without hard labour. Penalty for
not attend-
ing exami-
nation.
- 12.** Where the Lord Ordinary or the Sheriff, as the case may be, is of opinion, either from the representation of the trustee, or from 20 other sources, that a prosecution ought to be instituted against the debtor for any offence under this Act, the Lord Ordinary or Sheriff may direct that information shall be laid before the Lord Advocate, who shall direct such inquiry and take such proceedings as he shall think fit. Power to
give infor-
mation to
Lord Advo-
cate.
- 13.** Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same 25 offence. As to punish-
ments under
this Act for
offences
punishable
otherwise.

**Fraudulent Debtors
(Scotland).**

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B I L L

To abolish Imprisonment for Debt, and
to provide for the better Punishment
of Fraudulent Debtors in Scotland.

*(Prepared and brought in by
Dr. Cameron, Mr. Ramsay, Mr. Middleton,
and Mr. Mark Stewart.)*

*Ordered, by The House of Commons, to be Printed,
24 May 1880.*

[Bill 185.]

Under 1 oz.

Fraudulent Debtors (Scotland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Abolition of imprisonment for debt, with certain exceptions.
5. Discharge of persons in custody at the commencement of this Act.
6. New mode of constituting notour bankruptcy.
7. Debtor, who is notour bankrupt, may apply for cessio.
8. On application by creditor, sheriff may decern debtor, who is notour bankrupt, to execute disposition omnium bonorum for behoof of creditors. *
9. Periodical report by governor as to civil prisoners. Sheriff's powers thereon.
10. No court fees, stamp duties, or Government payments exigible.
11. Bank notes, money, &c., in possession of a bankrupt may be seized under warrant from sheriff.
12. Construction of Act.
13. Punishment of fraudulent debtors in certain specified cases.
14. Penalty for absconding with property.
15. Penalty on fraudulently obtaining credit, &c.
16. False claim, &c., a crime and offence.
17. Penalty for not attending examination.
18. Power to give information to Lord Advocate. *
19. As to punishments under this Act for offences punishable otherwise.

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B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Abolish Imprisonment for Debt, and to provide for the A.D. 1880.
 better Punishment of Fraudulent Debtors in Scotland ; and
 for other purposes.

B E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

- 5 1. This Act may be cited for all purposes as the Debtors Short title.
 (Scotland) Act, 1880.
2. This Act shall extend to Scotland only. Extent of
 Act.
3. This Act shall come into operation on the first day of Commencement of Act.
 January one thousand eight hundred and eighty-one, which day is
 10 herein-after referred to as the commencement of this Act.

Abolition of Imprisonment for Debt.

4. With the exceptions herein-after mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt. Abolition of
 imprisonment for
 debt, with
 certain ex-
 ceptions.
- 15 There shall be excepted from the operation of the above enactment,—
1. Penalties or fines or forfeitures imposed, or hereafter to be imposed by law;
 2. Taxes and penalties due to Her Majesty;
 - 20 3. Rates or assessments imposed, or hereafter to be imposed by law;
 4. Sums decerned for aliment :
 Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months.

[Bill 289.]

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Nothing contained in this Act shall affect or prevent the apprehension or imprisonment of any person under a warrant granted against him as being in meditatione fugæ, or under any decree or obligation ad factum præstandum.

Discharge of persons in custody at the commencement of this Act.

5. Where any person is, at the commencement of this Act, in custody under a warrant of imprisonment, or other process in any case in which he would not be liable to be apprehended or imprisoned after the commencement of this Act, such person shall, at the commencement of this Act, be discharged from such custody; but his apprehension, imprisonment, or discharge shall not affect 10 the other rights or remedies of any creditor for enforcing the payment of any money due to him.

Notour Bankruptcy.

New mode of constituting notour bankruptcy.

6. In any case in which, under the provisions of this Act, imprisonment is rendered incompetent, notour bankruptcy shall be 15 constituted by insolvency concurring with a duly executed charge for payment followed on the expiry of the days of charge by the registration of the execution of charge in the general or particular register of hornings as the case may be.

Nothing in this section contained shall affect the provisions of 20 section seven of the Bankruptcy (Scotland) Act, 1856.

Cessio bonorum.

Debtor, who is notour bankrupt, may apply for cessio.

7. Any debtor who is notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, or of this Act, may present a petition for decree of cessio bonorum, in the same manner and 25 subject to the same provisions and conditions, as nearly as may be, in and subject to which a person now entitled to apply for decree of cessio bonorum may do so under the Cessio Acts; and the provisions of the Cessio Acts shall apply, as nearly as may be, to such petition and the procedure thereunder, subject to the provisions 30 herein-after contained.

On application by creditor, sheriff may decern debtor, who is notour bankrupt, to execute disposition omnium

8. Any creditor of a debtor who is notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, or of this Act, may present a petition to the sheriff of the county in which such debtor has his ordinary domicile, setting forth that he (the debtor) 35 is unable to pay his debts, and praying that he may be decerned to execute a disposition omnium bonorum for behoof of his creditors, and that a trustee be appointed who shall take the management and disposal of his estate for such behoof. In the petition there shall

be inserted a list of all the creditors of the debtor, specifying their names, designations, and places of residence, so far as known to the petitioner, and with the petition shall be produced evidence that the debtor is notour bankrupt.

A.D. 1880.
bonorum for
behalf of
creditors.

- 5 On such petition being presented the following provisions shall have effect :

1. The sheriff shall issue a warrant appointing the petitioner to publish a notice in the "Edinburgh Gazette," intimating that such petition has been presented, and requiring all the creditors to appear in court on a certain day, being not less than thirty days from the date of the "Gazette" notice, the petitioner being bound, within five days after the date of such notice, to send letters to all the creditors specified in the petition, containing a copy of the said notice, and the sheriff shall further ordain the debtor to appear on the day so appointed for the compexrance of the creditors in the presence of the sheriff for public examination ; and the debtor shall, on or before the sixth lawful day prior to the day so appointed, lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the sheriff clerk ; and the petitioner shall, on or before the same date, lodge in the hands of the sheriff clerk a copy of the said "Gazette," and a certificate subscribed by his agent, or by a messenger-at-arms, or sheriff officer, and a witness, stating the date and the place where the letters to the creditors were put into the post office, and that they were severally addressed as specified in the petition.
2. On the day appointed for the compearance of the creditors the debtor shall appear in public court in presence of the sheriff for examination as to his affairs, and the sheriff have power to put him on oath or affirmation, as the case may be, and the debtor shall be bound to answer all pertinent questions put to him by the sheriff, or by any creditor with the approbation of the sheriff, and it shall be competent for the sheriff to adjourn the examination for such time as to him shall appear fit and reasonable ; and the provisions of section ninety-three of the Bankruptcy (Scotland) Act, 1856, shall, as nearly as may be, apply to the examination of debtors, and the production of books, deeds, or other documents by them, under process of cessio within the meaning of this Act.

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3. The sheriff shall, on such examination being taken, allow a proof to the parties, if it shall appear necessary, and hear parties *viva voce*, and either grant decree decerning the debtor to execute a disposition *omnium bonorum* for behoof of his creditors, or refuse the same in *hoc statu*, or make 5 such other order as the justice of the case requires.
4. Any judgment or interlocutor, or decree, pronounced in such petition may be reviewed on appeal in the same form and subject to the like provisions, restrictions, and conditions as are by law provided in regard to appeals against any judgment or interlocutor, or decree, pronounced in any process of 10 *cessio bonorum*.
5. Until the debtor shall execute a disposition *omnium bonorum* for behoof of his creditors, any decree decerning him to do shall operate as an assignation of his moveables in favour of 15 any trustee mentioned in the decree for behoof of such creditors.
6. The expense of obtaining the decree and of the disposition *omnium bonorum* shall be paid out of the readiest of the funds thereby conveyed. 20

Periodical report by governor as to civil prisoners. Sheriff's powers thereon.

9. At least once in every four weeks it shall be the duty of the governor or principal officer in charge of every prison in Scotland to make a report to the sheriff of the county within which such prison is situated, setting forth the name and designation of every civil prisoner detained in such prison, the ground of and warrant 25 for his imprisonment, and the period for which he has been so detained ; and it shall be lawful for the sheriff to direct any civil prisoner to be brought before him, and, if he shall think fit, the sheriff may determine that the assistance of one of the procurators for the poor shall be afforded to such prisoner in raising a process 30 of *cessio bonorum*.

No court fees, stamp duties, or Government payments exigible.

10. No fee fund or other dues of court shall be exigible in respect of any proceedings under the *Cessio Acts* or this Act ; nor shall any stamp duty or other Government duty or payment be exigible in respect of any notices or advertisements authorised by 35 the said Acts or this Act to be inserted in the "Edinburgh Gazette," nor in respect of any disposition which the debtor shall be required or decerned to execute in terms thereof, any law or statute to the contrary notwithstanding.

Miscellaneous.

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Bank notes, money, &c.

11. The sheriff shall have power, upon cause shown by any creditor, or without any application if he shall think fit, at any

time after the presentation of a petition for sequestration or for A.D. 1880.
 cessio, to grant warrant to take possession of and put under safe
 custody any bank notes, money, bonds, bills, cheques, or drafts
 belonging to or in the possession of the debtor; and, if necessary
 5 for that purpose, to open lockfast places, and to search the dwelling-
 house and person of the debtor.

in possession
of a bank-
rupt may be
seized under
warrant from
sheriff.

Punishment of Fraudulent Debtors.

12. This Act shall be read and construed as one with the Bank-
 ruptcy (Scotland) Act, 1856, and words and expressions to which a
 10 definite meaning is assigned in the said Act, shall have the same
 meaning in this Act unless the context indicate the contrary.

“The Cessio Act, 1836,” means the Act passed in the session of the
 sixth and seventh years of the reign of His Majesty King William
 the Fourth, chapter fifty-six; and that Act, together with section
 15 twenty-six of the Sheriff Court (Scotland) Act, 1876, and any Acts
 amending the same, may be cited as “the Cessio Acts.”

“Sequestration” means sequestration under the Bankruptcy
 (Scotland) Act, 1856.

“Cessio” means and includes a decree of Cessio bonorum under
 20 the Cessio Acts, and a decree by the Sheriff under this Act decerning
 a debtor to execute a disposition omnium bonorum for behoof of
 his creditors.

“Trustee” means and includes a trustee appointed under a
 petition for sequestration, and also a trustee under a petition for
 25 cessio.

13. Any person against or in favour of whom sequestration or
 cessio has been granted, shall, in each of the cases following, be
 deemed guilty of a crime and offence, and on conviction thereof
 shall be liable to be imprisoned for any time not exceeding two
 30 years, or if he has been tried by the Sheriff without a jury for
 any time not exceeding sixty days, with or without hard labour;
 that is to say,

1. If he does not, to the best of his knowledge and belief, fully
 and truly disclose the state of his affairs in terms of the
 35 Bankruptcy (Scotland) Act, 1856, or the Cessio Acts, as the
 case may be, unless the jury or the sheriff, as the case may
 be, is satisfied that he had no intent to defraud:
2. If he does not deliver up to such trustee all such part of his
 property as is in his custody or under his control, and which
 40 he is required by law to deliver up, or if he does not deal
 with and dispose of the same according to the directions of

Punishment
of fraudu-
lent debtors
in certain
specified
cases.

A.D. 1880.

the trustee, unless the jury or the sheriff, as the case may be, is satisfied that he had no intent to defraud :

3. If he does not deliver up to such trustee, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs, unless 5 the jury or the sheriff, as the case may be, is satisfied that he had no intent to defraud :
4. If after the presentation of the petition for sequestration or cessio, or within four months next before such presentation he conceals any part of his property to the value of ten 10 pounds or upwards, or conceals any debt due to or from him, unless the jury or the sheriff, as the case may be, is satisfied that he had no intent to defraud :
5. If after the presentation of the petition for sequestration or cessio, or within four months next before such presentation, 15 he fraudulently removes any part of his property of the value of ten pounds or upwards :
6. If he makes any material omission in any state of affairs or statement relating to his affairs, unless the jury or the sheriff, as the case may be, is satisfied that he had no intent 20 to defraud :
7. If, knowing or believing that a false claim has been made by any person under the sequestration, he fails for the period of a month from the time of his acquiring such knowledge or belief to inform the trustee thereof : 25
8. If after the presentation of the petition for sequestration or cessio, he withholds or prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury or the sheriff, as the case may be, is satisfied that he had no intent to conceal the state 30 of his affairs or to defeat the law :
9. If after the presentation of the petition for sequestration or cessio, or within four months next before such presentation, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of .35 any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury or the sheriff, as the case may be, is satisfied that he had no intent to conceal the state of his affairs or to defeat the law :
10. If after the presentation of the petition for sequestration or .40 cessio, or within four months next before such presentation,

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he makes or is privy to the making of any false entry in any book, document, paper, or writing affecting or relating to his property or affairs, unless the jury or the sheriff, as the case may be, is satisfied that he had no intent to conceal the state 5 of his affairs or to defeat the law :

- 11. If after the presentation of the petition for sequestration or cessio, or within four months next before such presentation, he fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulently parting with, altering, or 10 making any omission in, any book, document, paper, or writing affecting or relating to his property or affairs :
- 12. If after the presentation of the petition for sequestration or cessio, or at any meeting of his creditors within four months next before such presentation, he attempts to account for 15 any part of his property by fictitious losses or expenses :
- 13. If within four months next before the presentation of the petition for sequestration or cessio he, by any false representation or other fraud, has obtained any property on credit and 20 has not paid for the same :
- 14. If within four months next before the presentation of the petition for sequestration or cessio, he obtains, under the false pretence of carrying on business and dealing in the ordinary way of trade, any property on credit and has not paid for the same, unless the jury or the sheriff, as the case may be, is 25 satisfied that he had no intent to defraud :
- 15. If within four months next before the presentation of the petition for sequestration or cessio he pawns, pledges, or disposes of, otherwise than in the ordinary way of trade, any property which he has obtained on credit and has not paid for, unless the jury or the sheriff, as the case may be, is 30 satisfied that he had no intent to defraud :
- 16. If he is guilty of any false representation or other fraud for the purpose of obtaining the assent of any of his creditors to any resolution passed at any meeting of his creditors :
- 35 17. If, being indebted to an amount exceeding two hundred pounds at the date of the presentation of the petition for sequestration or cessio, as the case may be, he has not, for three years next before such date, kept such books or accounts as may be necessary to exhibit or explain his transactions, unless the 40 jury or the sheriff, as the case may be, is satisfied that he had no intent to defraud.

A.D. 1880.

Penalty for
absconding
with pro-
perty.

14. If any person against or in favour of whom sequestration or cessio is granted, after the date of granting such sequestration or cessio, as the case may be, or within four months before such dates respectively quits Scotland and takes with him, or attempts or makes preparation for quitting Scotland and for taking with him, 5 any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors, he shall (unless the jury or the sheriff, as the case may be is satisfied that he had no intent to defraud) be guilty of a crime punishable with imprisonment for a time not exceeding two years, or if he has been 10 tried by the sheriff without a jury for any time not exceeding sixty days, with or without hard labour.

Penalty on
fraudulently
obtaining
credit, &c.

15. Any person shall in each of the cases following be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, or if he has 15 been tried by the sheriff without a jury for any time not exceeding sixty days, with or without hard labour ; that is to say,

- (1.) If in incurring any debt or liability he has obtained credit under false pretences, or by means of any other fraud :
- (2.) If he has, with intent to defraud his creditors, or any of 20 them, made or caused to be made any gift, delivery, or transfer of or any charge on his property :
- (3.) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied decree or order 25 for payment of money obtained against him :
- (4.) If, being a bankrupt under sequestration, and not having obtained his discharge, he contracts a debt to the amount of twenty pounds or upwards without informing the person from whom he obtained credit for such amount that he 30 has not obtained his discharge :
- (5.) If he has wilfully concealed any heritable or moveable estate of any bankrupt or debtor, and has not after the presentation of the petition for sequestration or cessio, as the case may be, discovered such estate to the Lord 35 Ordinary, or sheriff, or the trustee (if any).

False claim,
&c., a crime
and offence.

16. If any creditor under any petition for sequestration or cessio wilfully, and with intent to defraud, makes any false claim, or makes or tenders any proof, affidavit, declaration, or statement of account which is untrue in any material particular, he shall be 40 deemed guilty of a crime and offence, and on conviction thereof shall

be liable to be imprisoned for any time not exceeding one year, A.D. 1880.
with or without hard labour.

17. If any person against whom sequestration has been granted or any debtor in proceedings for cessio fails (after receiving the prescribed notice in that behalf) to attend the public examination appointed by the Lord Ordinary or Sheriff, as the case may be, or if any such person fails to submit himself for examination in terms of the Statutes, having no reasonable excuse, he shall be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, or if he has been tried by the sheriff without a jury for any time not exceeding sixty days, with or without hard labour.

18. Where the Lord Ordinary or the Sheriff, as the case may be, is of opinion, either from the representation of the trustee, or from other sources, that a prosecution ought to be instituted against any debtor or creditor or other person for any offence under this Act, the Lord Ordinary or Sheriff shall direct that information be laid before the Lord Advocate, who shall direct such inquiry and take such proceedings as he shall think fit.

19. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

Penalty for
not attending
examination.

Power to
give informa-
tion to
Lord Advo-
cate.

As to punish-
ments under
this Act for
offences
punishable
otherwise.

Fraudulent Debtors (Scotland).

A

B I L L

[AS AMENDED BY THE SELECT
COMMITTEE]

To abolish Imprisonment for Debt, and
to provide for the better Punishment
of Fraudulent Debtors in Scotland;
and for other purposes.

(Prepared and brought in by
Dr. Cameron, Mr. Ramsay, Mr. Middleton,
and Mr. Mark Stewart.)

Ordered, by The House of Commons, to be Printed,
28 July 1880.

[Bill 289.]

Under 2 oz.

Fraudulent Debtors (Scotland) Bill.

[AS AMENDED BY THE SELECT COMMITTEE AND ON
RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Abolition of imprisonment for debt, with certain exceptions.
5. Discharge of persons in custody at the commencement of this Act.
6. New mode of constituting notour bankruptcy.
7. Debtor, who is notour bankrupt, may apply for cessio.
8. On application by creditor, sheriff may decern debtor, who is notour bankrupt, to execute disposition omnium bonorum for behoof of creditors.
9. Procedure.
10. Periodical report by governor as to civil prisoners. Sheriff's powers thereon.
11. No court fees, stamp duties, or Government payments exigible.
12. Bank notes, money, &c., in possession of a bankrupt may be seized under warrant from sheriff.
13. Punishment of fraudulent debtors in certain specified cases.
14. False claim, &c., a crime and offence.
15. Power to give information to Lord Advocate.
16. As to punishments under this Act for offences punishable otherwise.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON
RE-COMMITMENT]

TO

Abolish Imprisonment for Debt, and to provide for the A.D. 1880.
better Punishment of Fraudulent Debtors in Scotland ; and
for other purposes.

BE it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Tem-
poral, and Commons, in this present Parliament assembled, and
by the authority of the same, as follows :

- 5 1. This Act may be cited for all purposes as the Debtors Short title.
(Scotland) Act, 1880.
2. This Act shall extend to Scotland only.
3. This Act shall come into operation on the first day of
January one thousand eight hundred and eighty-one, which day is
10 herein-after referred to as the commencement of this Act.

Extent of
Act.
Commencement of Act.

Abolition of Imprisonment for Debt.

4. With the exceptions herein-after mentioned, no person shall, after the commencement of this Act, be apprehended or imprisoned on account of any civil debt.
- 15 There shall be excepted from the operation of the above enactment,—
1. Taxes, fines, or penalties due to Her Majesty, and rates and assessments lawfully imposed or to be imposed.
 2. Sums decerned for aliment :
- 20 Provided that no person shall be imprisoned in any case excepted from the operation of this section for a longer period than twelve months.
- Nothing contained in this Act shall affect or prevent the apprehension or imprisonment of any person under a warrant granted

[Bill 298.]

A

A.D. 1880.

Discharge of
persons in
custody at
the com-
mencement
of this Act.

against him as being in meditatione fugæ, or under any decree or obligation ad factum præstandum.

5. Where any person is, at the commencement of this Act, in custody under a warrant of imprisonment, or other process in any case in which he would not be liable to be apprehended or imprisoned after the commencement of this Act, such person shall, at the commencement of this Act, be discharged from such custody; but his apprehension, imprisonment, or discharge shall not affect the other rights or remedies of any creditor for enforcing the payment of any money due to him. 10

New mode
of consti-
tuting notour
bankruptcy.

6. In any case in which, under the provisions of this Act, imprisonment is rendered incompetent, notour bankruptcy shall be constituted by insolvency concurring with a duly executed charge for payment followed by the expiry of the days of charge without payment, or, where a charge is not necessary or not competent, by insolvency concurring with an extracted decree for payment followed by the lapse of the days intervening prior to execution without payment having been made. 15

Nothing in this section contained shall affect the provisions of section seven of the Bankruptcy (Scotland) Act, 1856. 20

Debtor, who
is notour
bankrupt,
may apply
for cessio.

6 & 7 Will. 4.
c. 56.
39 & 40 Vict.
c. 70. s. 26.

7. Any debtor who is notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, or of this Act, may present a petition for decree of cessio bonorum, in the same manner and subject to the same provisions and conditions, as nearly as may be, in and subject to which a person now entitled to apply for decree of cessio bonorum may do so under the Cessio Acts; and the provisions of the Cessio Acts shall apply, as nearly as may be, to such petition and the procedure thereunder, subject to the provisions herein-after contained. 25

On appli-
cation by
creditor,
sheriff may
decern
debtor, who
is notour
bankrupt, to
execute dis-
position
omnium
bonorum for
behoof of
creditors.

8. Any creditor of a debtor who is notour bankrupt within the meaning of the Bankruptcy (Scotland) Act, 1856, or of this Act, may present a petition to the sheriff of the county in which such debtor has his ordinary domicile, setting forth that he (the debtor) is unable to pay his debts, and praying that he may be decerned to execute a disposition omnium bonorum for behoof of his creditors, and that a trustee be appointed who shall take the management and disposal of his estate for such behoof. In the petition there shall be inserted a list of all the creditors of the debtor, specifying their names, designations, and places of residence, so far as known to the 30 35 40

petitioner, and with the petition shall be produced evidence that the debtor is notour bankrupt. A.D. 1880.

Procedure.

9. On such petition being presented the following provisions shall Procedure.
5 have effect :

1. The sheriff, if he is satisfied that there is *prima facie* evidence of notour bankruptcy, shall issue a warrant appointing the petitioner to publish a notice in the "Edinburgh Gazette," intimating that such petition has been presented, and requiring all the creditors to appear in court on a certain day, being not less than thirty days from the date of the "Gazette" notice, the petitioner being bound, within five days after the date of such notice, to send letters to all the creditors specified in the petition, containing a copy of the said notice, and the sheriff shall further ordain the debtor to appear on the day so appointed for the compearance of the creditors in the presence of the sheriff for public examination ; and the debtor shall, on or before the sixth lawful day prior to the day so appointed, lodge, to be patent to all concerned, a state of his affairs subscribed by himself, and all his books, papers, and documents relating to his affairs, in the hands of the sheriff clerk ; and the petitioner shall, on or before the same date, lodge in the hands of the sheriff clerk a copy of the said "Gazette," and a certificate subscribed by his agent, or by a messenger-at-arms, or sheriff officer, and a witness, stating the date and the place where the letters to the creditors were put into the post office, and that they were severally addressed as specified in the petition.
2. On the day appointed for the compearance of the creditors the debtor shall appear in public court in presence of the sheriff for examination as to his affairs, and the sheriff shall have power to put him on oath or affirmation, as the case may be, and the debtor shall be bound to answer all pertinent questions put to him by the sheriff, or by any creditor with the approbation of the sheriff, and it shall be competent for the sheriff to adjourn the examination for such time as to him shall appear fit and reasonable ; and the provisions of section ninety-three of the Bankruptcy (Scotland) Act, 1856, shall, as nearly as may be, apply to the examination of debtors, and the production of books, deeds, or other documents by them, under this Act.

A.D. 1880.

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3. The sheriff shall, on such examination being taken, allow a proof to the parties, if it shall appear necessary, and hear parties *vivâ voce*, and either grant decree decerning the debtor to execute a disposition omnium bonorum to a trustee for behoof of his creditors, or refuse the same in *hoc statu*, 5 or make such other order as the justice of the case requires. The trustee shall be nominated by the sheriff on the suggestion of the creditors represented at the meeting for examination, and if they do not agree on a person, the sheriff shall make his own selection.
 4. Any judgment or interlocutor, or decree, pronounced in such petition may be reviewed on appeal in the same form and subject to the like provisions, restrictions, and conditions as are by law provided in regard to appeals against any judgment or interlocutor, or decree, pronounced in any process of 15 *cessio bonorum*.
 5. Until the debtor shall execute a disposition omnium bonorum for behoof of his creditors, any decree decerning him to do so shall operate as an assignation of his moveables in favour of any trustee mentioned in the decree for behoof of such 20 creditors.
 6. The expense of obtaining the decree and of the disposition omnium bonorum shall be paid out of the readiest of the funds thereby conveyed.

Miscellaneous.

25

Periodical report by governor as to civil prisoners. Sheriff's powers thereon.

10. At least once in every four weeks it shall be the duty of the governor or principal officer in charge of every prison in Scotland to make a report to the sheriff of the county within which such prison is situated, setting forth the name and designation of every civil prisoner detained in such prison, the ground of and warrant 30 for his imprisonment, and the period for which he has been so detained; and it shall be lawful for the sheriff to direct any civil prisoner to be brought before him, and, if he shall think fit, the sheriff may determine that the assistance of one of the procurators for the poor shall be afforded to such prisoner in raising a process 35 of *cessio bonorum*.

No court fees, stamp duties, or Government payments exigible.

11. No fee fund or other dues of court shall be exigible in respect of any proceedings under the Cessio Acts or this Act; nor shall any stamp duty or other Government duty or payment be exigible in respect of any notices or advertisements authorised by 40 the said Acts or this Act to be inserted in the "Edinburgh Gazette," nor in respect of any disposition which the debtor shall

be required or deemed to execute in terms thereof, any law or A.D. 1880. statute to the contrary notwithstanding.

12. The sheriff shall have power, upon cause shown by any creditor, or without any application if he shall think fit, at any time after the presentation of a petition for sequestration under the Bankruptcy Act, 1856, or for cessio, to grant warrant to take possession of and put under safe custody any bank notes, money, bonds, bills, cheques, or drafts belonging to or in the possession of the debtor ; and, if necessary for that purpose, to open lockfast places, and to search the dwelling-house and person of the debtor.

Punishment of Fraudulent Debtors.

13. The debtor in a process of sequestration or cessio shall be deemed guilty of a crime and offence, and on conviction before the court of justiciary, or before the Sheriff and a jury, shall be liable to be imprisoned for any time not exceeding two years, or by the Sheriff without a jury for any time not exceeding sixty days, with or without hard labour :

(A.) In each of the cases following unless he proves to the satisfaction of the court that he had no intent to defraud ; that is to say,

1. If he does not, to the best of his knowledge and belief, fully and truly disclose the state of his affairs in terms of the Bankruptcy (Scotland) Act, 1856, or the Cessio Acts, as the case may be :

2. If he does not deliver up to the trustee all his property, and all books, documents, papers, and writings relating to his property or affairs which are in his custody or under his control, and which he is required by law to deliver up, or if he does not deal with and dispose of the same according to the directions of the trustee :

3. If after the presentation of the petition for sequestration or cessio, or within four months next before such presentation he conceals any part of his property, or conceals, destroys, or mutilates, or is privy to the concealment, destruction, or mutilation of any book, document, paper, or writing relating to his property or affairs :

4. If after, or within the time above specified, he makes or is privy to the making of any false entry in, or otherwise falsifying any book, document, paper, or writing affecting or relating to his property or affairs :

Bank notes,
money, &c.
in possession
of a bank-
rupt may be
seized under
warrant from
sheriff.

Punishment
of fraudu-
lent debtors
in certain
specified
cases.

A.D. 1880.

5. If within four months next before the presentation of the petition for sequestration or cessio he pawns, pledges, or disposes of, otherwise than in the ordinary way of trade, any property which he has obtained on credit and has not paid for :

5

6. If, being indebted to an amount exceeding two hundred pounds at the date of the presentation of the petition for sequestration or cessio, as the case may be, he has not, for three years next before such date, kept such books or accounts as may be necessary to exhibit 10 or explain his transactions :

(B.) In each of the cases following :

1. If, knowing or believing that a false claim has been made by any person under the sequestration, he fails for the period of a month from the time of his 15 acquiring such knowledge or belief to inform the trustee thereof :

2. If after the presentation of the petition for sequestration or cessio, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his 20 property by fictitious losses or expenses :

3. If within four months next before the presentation of the petition for sequestration or cessio he, by any false representation or other fraud, has obtained any 25 property on credit and has not paid for the same :

4. If, after the date of granting sequestration or cessio, or within four months prior thereto, he absconds from Scotland, or makes preparations to abscond for the purpose of avoiding examination or other proceedings 30 at the instance of his creditors, or taking with him property which ought by law to be divided amongst his creditors to the amount of twenty pounds or upwards, or if he fails, having no reasonable excuse (after receiving due notice), to attend the public examination 35 appointed by the lord ordinary or the sheriff, or to submit himself for examination in terms of the statutes :

5. If, being insolvent, and with intent to defraud his creditors, or any of them, he makes or causes to be made any gift, delivery, or transfer of or any charge on 40 or affecting his property.

14. If any creditor under any petition for sequestration or cessio, or disposition omnium bonorum, wilfully, and with intent to defraud, makes any false claim, or makes or tenders any proof, affidavit, declaration, or statement of account which is untrue in any material particular, he shall be deemed guilty of a crime and offence, and on conviction thereof shall be liable to be imprisoned for any time not exceeding one year, with or without hard labour.

15. It shall be the duty of the trustee to report all offences under this Act to the presiding judge, who shall, on such representation or of his own motion, direct information in all such cases as he thinks ought to be prosecuted, to be laid before the Lord Advocate, who shall direct such inquiry and take such proceedings as he shall think fit.

16. Where any person is liable under any other Act of Parliament or at common law to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Parliament or at common law or under this Act, so that he be not punished twice for the same offence.

A.D. 1880.

False claim,
&c., a crime
and offence.Power to
give infor-
mation to
Lord Advo-
cate.As to punish-
ments under
this Act for
offences
punishable
otherwise.

Fraudulent Debtors (Scotland).

A

[AS AMENDED BY THE SELECT
COMMITTEE AND ON RE-COMMITMENT]

To abolish Imprisonment for Debt, and
to provide for the better Punishment
of Fraudulent Debtors in Scotland ;
and for other purposes.

(Prepared and brought in by
Dr. Cameron, Mr. Ramsay, Mr. Middleton,
and Mr. Mark Stewart.)

Ordered, by The House of Commons, to be Printed,

4 August 1880.

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[Bill 298.]

Under 2 oz.

A

B I L L

TO

Enable School Boards in Scotland to provide, by means of A.D. 1880.
 rates only instead of by rates and fees, for the education
 of children resident in their district in Board Schools, so
 far as that education is compulsory.

WHHEREAS the larger portion of the cost of public primary education is already defrayed out of public funds, local and imperial, and whereas many competent persons believe that the system of payment of the remaining portion of such cost by school fees operates against economy and the realisation of the objects aimed at by the State in subsidising public schools, and in providing that primary education shall be compulsory :

And whereas so long as school boards sufficiently provide for the education of the children residing within their respective districts, 10 it is desirable that each district should be at liberty to determine how that portion of expenses which fall upon the locality may best be met :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, 15 and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Free Education (Scotland) Short title.
 Act, 1880.

2. After the passing of this Act any member of a school board 20 may give notice that, at a subsequent meeting of the board held not less than four weeks after the date of such notice, he will move that a special meeting of the board be convened to determine whether the Free Education (Scotland) Act be adopted, and if this resolution be carried by a majority of the votes of those 25 present, a special meeting of the board shall be appointed to be held not earlier than four weeks or later than six weeks after the date of such meeting, and it shall be the duty of the clerk of the [Bill 299.]

- A.D. 1880. school board to advertise the resolution appointing such meeting for three successive weeks in two newspapers circulating in the district. At such special meeting or any adjournment thereof the only business taken shall be the question of the adoption of this Act, and the question shall be decided by a majority of the 5 votes of the members present. The chairman of the school board shall act as chairman at such special meeting, and in his absence the meeting shall elect a chairman. The chairman shall have a deliberative but not a casting vote, and in the event of an equality of votes this Act shall not be adopted. 10
- Effect of the adoption of the Act. 3. Within one year of the adoption of this Act by the school board of any district, all school fees at board schools for education, so far as it is compulsory in case of all children resident in that district, shall cease, and the school boards may make any arrangement with the teachers in the various board schools which may 15 be necessary to carry out this provision, and may, if they think proper, provide without charge class books and other requisites for the use of the scholars, and all expenses incurred shall be defrayed out of the education rate levied upon the district.
- Application of Act. 4. This Act shall apply to Scotland only. 20

Free Education (Scotland).

A

B I L L

To enable School Boards in Scotland to provide, by means of rates only instead of by rates and fees, for the education of children resident in their district in Board Schools, so far as that education is compulsory.

(*Prepared and brought in by Dr. Cameron, Mr. McLaren, Mr. Henderson, and Mr. Middleton.*)

Ordered, by The House of Commons, to be Printed,
4 August 1880.

[Bill 299.]

Under 1 oz.

Game and Trespass Bill.

ARRANGEMENT OF CLAUSES.

Clause.

- 1. Short title.**
 - 2. Commencement.**
 - 3. Extent.**
 - 4. Meaning of game and ground game.**
 - 5. Tenants in Scotland to be entitled to game unless reserved.**
 - 6. Contracts as to ground game.**
 - 7. Saving for existing agreements.**
-

A

B I L L

TO

Amend the Laws relating to Game and Trespass on Land. A.D. 1880.

WHEREAS in England the right of pursuing, taking, and killing game on land is presumed to be vested in the occupier of the land :

And whereas in Scotland the right of pursuing, taking, and killing game on land is presumed to be vested in the owner of the land :

And whereas it is expedient that the laws of England and Scotland be in this respect assimilated :

And whereas it is expedient to make provision for contracts with respect to ground game :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

15 1. This Act may be cited as the Game Laws and Trespass Act, Short title. 1880.

2. This Act shall commence and come into operation on the first day of February one thousand eight hundred and eighty-one. Commencement.

3. This Act shall extend to Scotland, but not to Ireland. Extent.

20 4. In this Act—

“ Game ” means deer, pheasants, partridges, red grouse, black or Meaning of heath game, woodcocks, quails, landrails, snipes, hares, or game and rabbits ; ground game.

“ Ground game ” means hares or rabbits.

25 5.—(1.) An occupier of land in Scotland shall have the right of pursuing, taking, and killing game, and of authorising other persons to pursue, take, and kill game on that land, except so far as that right is expressly reserved by the owner of the land or granted to him by the occupier. Tenants in Scotland to be entitled to game unless reserved.

A.D. 1880.

Contracts as
to ground
game.

(2.) This section shall not apply in the case of an occupier who occupies under a lease made before the commencement of this Act.

6.—(1.) An occupier of land shall not be deprived of his right to pursue, take, or kill ground game on the land, except by a contract made in accordance with the provisions of this section. 5

(2.) The contract shall be in writing, and shall not form part of any lease or agreement for a lease.

(3.) The contract shall specify the consideration to be paid for the exercise of the right, and for damage caused to crops by the exercise of the right. 10

(4.) The contract may provide for the limitation of the right of the occupier to pursue, take, or kill ground game on the land, by means of any specified instrument, or during any specified portion of the year.

(5.) If any person on whom the right of pursuing, taking, or killing ground game is conferred by the contract maintains ground game in such a manner that damage is caused to crops in excess of the consideration specified in the contract, the occupier of the land may at any time by *six months* notice in writing determine the contract. 15 20

(6.) If the occupier of the land breaks the contract he shall be liable to civil proceedings for the damages caused by the breach, but performance of the contract shall not be enforced against him by any proceeding under the laws relating to game.

(7.) If any question arises between the parties to any such contract as to whether ground game is maintained in such a manner as to cause damage to crops in excess of the consideration specified, it may be determined by a referee agreed on by the parties or, in default of agreement, appointed, on the application of either party, by the judge of the county court, or, in Scotland, 30 the sheriff's court, for the district in which the land affected by the contract, or the greater part of that land, is situate.

(8.) Nothing in this section shall prevent a lessor, in the absence of any such contract as aforesaid, from reserving to himself and his licensed gamekeepers, by lease, or agreement for a lease, a current right with the occupier to pursue, take, or kill ground game on the land. 35

(9.) Nothing in this section shall prevent an occupier of land from contracting either by his lease, or by agreement for a lease, or otherwise, not to grant to any person for valuable consideration 40 the right to pursue, take, or kill ground game on the land.

7. Nothing in this Act shall affect any agreement in force at the commencement of this Act.

Saving for
existing
agreements.

Game and Trespass.

A

B I L L

To amend the Laws relating to Game
and Trespass on Land.

(*Prepared and brought in by
Sir Henry Selvin-Ibbetson and Colonel Harcourt.*)

*Ordered, by The House of Commons, to be Printed,
21 June 1880.*

[Bill 239.]

Under 1 oz.

Game Laws Amendment Bill.

ARRANGEMENT OF CLAUSES.

A.D. 1880.

Clause.

1. Short title and extent of Act.
2. Commencement of Act.
3. Interpretation.
4. Lessee entitled to compensation for excessive damage to crops by game.
5. In case of excessive damage, lessee to intimate the same to lessor.
6. Provisions as to arbitrations for settling claims of damage between lessor and lessee.
7. Provisions as to actions of damage between lessor and lessee.
8. Lessee in actual occupation may kill hares without game certificate.
9. Limit of authority to kill hares.
10. Occupier may destroy rabbits.

SCHEDULES.

A

B I L L

TO

Amend the Laws relating to Game in England.

A.D. 1880.

WHEREAS divers Acts of Parliament have from time to time been passed relating to the preservation of game in England, and certain of these Acts are enumerated in Schedule I. to this Act annexed, and are in this Act referred to as the "Game Acts":

- 5 And whereas it is expedient that these Acts should be amended :
Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

10 1. This Act may be cited for all purposes as the Game Laws Amendment Act, 1880, and shall apply to England only. Short title and extent of Act.

15 2. This Act shall commence and come into operation on the *first day of January one thousand eight hundred and eighty-one*, which day is hereafter referred to as the commencement of this Act. Commencement of Act.

20 3. In this Act, unless there be something in the subject or context repugnant to such construction, Interpretation.

25 1. The word "lessor" shall mean the grantor of any lease or agreement in writing of land for any term, and also the person or persons for the time being subject to the obligations of the grantor with respect to such lease ;

30 2. The word "lessee" shall mean the grantee of any lease or agreement in writing of land for any term, and also the person or persons for the time being subject to the obligations of the grantee with respect to such lease ;

3. The word "game" shall include all the animals enumerated in the Game Acts or any of them ;

35 4. The word "crop" shall include grass, whether intended for hay or pasture, except where grown upon common or moorland ;

A.D. 1880.

5. The term "County Court Acts" shall mean the Act of the ninth and tenth of Victoria, chapter ninety-five, and any Acts amending the same;
6. The term "County Court" shall mean the court established under the County Court Acts. 5

Lessee entitled to compensation for excessive damage to crops by game.

4. Where under any lease or agreement in writing the lessor shall reserve or retain the sole right of hunting, killing, or taking rabbits, hares, or other game, or any of them, the lessee shall be entitled to compensation for the damage done to his crops in each year by the rabbits and hares or other game to which the lessor may have reserved or retained the sole right, in excess of such sum as may have been set forth in the lease or agreement as the amount of annual damage for which it is agreed no compensation shall be due; and if no such sum shall be set forth in the lease or agreement, then in excess of the sum of *forty shillings*. 10 15

In case of excessive damage, lessee to intimate the same to lessor.

5. In the event of a lessee, in occupation of land under a lease or agreement in writing, being of opinion that the damage done to his crops by rabbits or hares or other game to which the lessor may have reserved or retained the sole right in any one year during the lease, such year being reckoned from the *first day of January* 20 in each year, has exceeded the sum named in the lease, or, if no sum is therein named, the sum of *forty shillings*, he shall give notice to the lessor in writing, stating at the same time that it is his intention, failing agreement as to the amount of such excess of damage, or a reference to arbitration to settle the same, to take steps to recover 25 the amount of such excess of damage in the form and manner herein-after provided.

Provisions as to arbitrations for settling claims of damage between lessor and lessee.

6. When a lessor and lessee agree in writing to refer to arbitration any claim of damage arising under this Act, or have agreed so to do, the following provisions shall have effect : 30

1. Either party having in writing named an arbitrator, and given notice of the nomination to the other party, and called on him to name an arbitrator, and the other party having for *fourteen days* after such call failed to comply therewith in writing, the arbitrator nominated may settle the claim as if he had been appointed by both parties, and his award shall be final. The office of every such arbitrator shall be held to endure until the *first day of January* next following the date of his appointment, and thereafter until he shall have given his award or awards with reference to all claims for 35 40

any damages as aforesaid arising during the year ended at A.D. 1880.
the same time.

- 5 2. Where two arbitrators are named by the parties the arbitrators shall, before proceeding to the arbitration, name in writing an umpire who shall be entitled finally to decide on the claim in case of their disagreement.
- 10 3. The reference, the claim, the nomination of an arbitrator or umpire, and the award may be validly made by any writing, however informal, admitted or proved to be genuine.
- 15 4. No proceedings under this section shall be void for want of form. In an arbitration under this section the course of the procedure and the inquiry shall be such as the person or persons acting therein shall direct, and the award therein shall be final, and though informal may be made a rule of court, and enforced by action in any court of law, according to the true construction and tenor thereof.
- 20 5. Any notice under this section shall be in writing, and may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode in England, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course, and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted and that it contained the notice to be served.
- 25 7. With regard to actions for the recovery of damages under this Act, the following provisions shall have effect :
- 30 1. No such action at the instance of a lessee against a lessor shall be brought unless the lessee shall have given to the lessor notice in writing of his intention to bring the same, in the case of damage done to growing crops, except grass for pasture, at least *three weeks* before the crop is reaped, and in the case of damage done to any crop reaped, at least *one week* before it is removed from the land, and in the case of damage done to grass for pasture, at least *fourteen days* before any person to be called as a witness by the lessee to value the damage shall inspect the crop with the view of valuing such damage :
- 35 2. Any such action may be brought in the County Court of the county within which the lands or any part thereof are situated, without regard to the amount sued for in name of

Provisions as
to actions of
damage
between
lessor and
lessee.

A.D. 1880.

— damage, and all the provisions of the County Court Acts shall apply to any such action so brought in the same manner as if such action were brought for a sum in the jurisdiction of such court.

Lessee in
actual occu-
pation may
kill hares
without
game certi-
ficate.

8. From and after the commencement of this Act, it shall be lawful for any lessee, being in the actual occupation of lands and having the right of killing hares thereon, by himself or by any person directed or authorised by him in writing according to the Form in Schedule II. to this Act annexed, or to the like effect, to pursue, take, kill, or destroy any hare then being in or upon any such land without obtaining any game certificate.

Limit of
authority to
kill hares.

9. Provided always, and be it enacted, that no lessee shall be authorised to grant or continue, under the provisions of this Act, authority to more than one person at one and the same time to kill hares upon the land occupied by him within any one parish: Provided also, that the lessee shall give notice to the lessor of the said lands, or his agent, or any one to whom he may have instructed the lessee to transmit such intimation, the name of the person so authorised by the lessee.

Occupier
may destroy
rabbits.

10. Every occupier of inclosed and cultivated lands, and any person bona fide employed by him or having his authority, may, between the *first day of December* in every year and the *last day of March* of the following year, destroy rabbits on the inclosed and cultivated lands in his occupation.

S C H E D U L E S.

A.D. 1880.

(I.)

An Act for the more effectual prevention of persons going armed by night for the destruction of game. 9 George IV., chapter 69.

- 5 An Act to amend the laws in England relative to game. 1 & 2 William IV., chapter 32.
An Act to extend an Act of the ninth year of King George the Fourth for the more effectual prevention of persons going armed by night for the destruction of game. 7 & 8 Victoria, chapter 29.

10 An Act to enable all persons having at present a right to kill hares in England to do so themselves, or by persons authorised by them, without being required to take out a game certificate. 11 & 12 Victoria, chapter 29.
An Act to repeal the duties on game certificates, and certificates 15 to deal in game, and to impose in lieu thereof duties on excise licences and certificates for the like purposes. 23 & 24 Victoria, chapter 90.
An Act to amend the laws relating to the Inland Revenue. 24 & 25 Victoria, chapter 91.

20 An Act for the prevention of poaching. 25 & 26 Victoria, chapter 114.

(II.)

I, *A.B.*, do authorise *C.D.* to kill hares on the lands occupied by me within the (*here insert the name of the parish or other place, as 25 the case may be*).

Dated this _____ **day of** _____

(here insert the day, month, and year.)

A.B.

Witness,

Game Laws Amend- ment.

A

B I L L

To amend the Laws relating to Game
in England.

(Prepared and brought in by
Mr. Knight, Mr. Wm. Abraham Egerton, Mr. Brand,
and Mr. Pease.)

Ordered, by The House of Commons, to be Printed,
28 July 1880.

[Bill 291]

Under 1 oz.

A

B I L L

FOR

Confirming certain Provisional Orders made by the Board of A.D. 1880.
 Trade under the Gas and Water Works Facilities Act,
 1870, relating to Chew Magna Gas, Garstang Gas, Hal-
 stead Gas, Harrogate Gas, Holywell Gas, Long Eaton Gas,
 Trowbridge Gas, Broadstairs Water, East Blatchington
 and Seaford Water, Gisborough Water, Harrogate Water,
 Luton Water, Newhaven and Denton Water, Norwood
 (Middlesex) Water, and Pwllheli Water.

WHEREAS under the authority of the Gas and Water Works Facilities Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed :

5 And whereas a Provisional Order made by the Board of Trade under the authority of the Gas and Water Works Facilities Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament :

And whereas it is expedient that the several Provisional Orders
 10 made by the Board of Trade under the authority of the said Act, and set out in the Schedule to this Act annexed, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and
 15 Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Gas and Water Orders Confirmation Act, 1880." Short title.

2. The several Orders set out in the Schedule to this Act annexed
 20 shall be and the same are hereby confirmed ; and all the provisions thereof in manner and form as they are set out in the said Schedule shall from and after the passing of this Act have full validity and effect.

Confirmation
of Orders
in Schedule.

[Bill 176.]

A

A.D. 1880.

The SCHEDULE of ORDERS.**1. GAS ORDERS.**

1. **CHEW MAGNA GAS.**—Order empowering the Chew Magna Gas and Coal Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the parish of Chew Magna, in the county of Somerset. 5
 2. **GARSTANG GAS.**—Order empowering the Garstang Gas Company (Limited) to construct and maintain Gasworks and to manufacture and supply Gas within certain townships in the parish of Garstang, in the county of Lancaster. 10
 3. **HALSTEAD GAS.**—Order conferring powers for the maintenance and continuance of Gasworks and for the manufacture and supply of Gas in the parish of Halstead, in the county of Essex.
 4. **HARROGATE GAS.**—Order empowering the Harrogate Gas Company to raise Additional Capital. 15
 5. **HOLYWELL GAS.**—Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks and to make and supply Gas in certain parts of the parishes of Holywell and Whitford, in the county of Flint.
 6. **LONG EATON GAS.**—Order empowering the Long Eaton Gas Company (Limited), to maintain and continue Gasworks and to construct additional Gasworks, and to make and supply Gas, in the township of Long Eaton, and in the parishes or townships of Sawley, Little Wilne, Draycott, Breaston, Risley, and Wilsthorpe, all in the county of Derby. 20
 7. **TROWBRIDGE GAS.**—Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks and to make and supply Gas in the town and parish of Trowbridge, the tything of Studley and Staverton, and the parishes of Hilperton, West Ashton, North Bradley (including Southwick and Yarnbrook), Steeple Ashton, Semington, and Winkfield, all in the county of Wilts. 25
- 30

2. WATER ORDERS.

8. **BROADSTAIRS WATER.**—Order empowering the Broadstairs Waterworks Company to raise Additional Capital.
9. **EAST BLATCHINGTON AND SEAFORD WATER.**—Order authorising the construction of Waterworks and the supply of Water in the parishes of East Blatchington and Bishopstone, and the town and parish of Seaford, in the county of Sussex. 35
10. **GISBOROUGH WATER.**—Order conferring powers for the construction and maintenance of additional Waterworks within the township of Gisborough, in the North Riding of the county of York, and for the raising of Additional Capital for such purposes. 40

11. HARROGATE WATER.—Order defining and extending the limits of supply of the Harrogate Waterworks Company, and empowering them to raise Additional Capital and to construct and maintain Additional Waterworks. A.D. 1880.
- 5 12. LUTON WATER.—Order empowering the Luton Water Company to raise Additional Capital.
13. NEWHAVEN AND DENTON WATER.—Order authorising the construction of Waterworks and the supply of Water in the parishes of Newhaven and Denton, in the county of Sussex.
- 10 14. NORWOOD (MIDDLESEX) WATER.—Order empowering the Norwood (Middlesex) Waterworks Company (Limited) to supply Water within the parishes of East Bedfont, Feltham, Hanworth, and Cranford, in the county of Middlesex, and to raise Additional Capital.
- 15 15. PWLLHELI WATER.—Order authorising the maintenance and continuance of Waterworks, the construction of additional Waterworks, and the supply of Water in the several parishes and places of Llangybi, Abererch, and Denio, and in the borough of Pwllheli, in the county of Carnarvon.
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CHEW MAGNA GAS.

*Chew
Magna Gas.*

- 20 Order empowering the Chew Magna Gas and Coal Company (Limited) to maintain and continue Gasworks, and to make and supply Gas in the parish of Chew Magna, in the county of Somerset.

1. This Order may be cited as "The Chew Magna Gas Order, 1880." Short title.
- 25 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by 30 this Order, and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this 35 Order.
3. The several words, terms, and expressions to which by the Acts in whole Interpretation, or in part incorporated with this Order, and by the Gas and Water Works Facilities. Act, 1870, meanings are assigned, have in this Order the same respective meanings.

Chew Magna Gas. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Chew Magna in the county of Somerset.
Limits of Order.

Undertakers.

Undertakers. 5. The Chew Magna Gas and Coal Company (Limited) shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Capital. 6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of the original share capital, amounting to two thousand and thirty pounds, already raised by the Undertakers, and of additional share capital to be raised subject to the provisions of this Order not exceeding three thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed five thousand and thirty pounds, unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 15 1870, or by Act of Parliament.

New shares to be offered by auction or tender. 7. The Undertakers shall, when any shares forming part of the said additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions 20 of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the 25 Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers. 30

Purchase money of shares sold by auction to be paid within three months. 8. It shall be one of the conditions of any sale of shares under this Order that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

As to notice to be given as to sale, &c. of shares. 9. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention 40 shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.

Shares not sold by auction or by tender to be offered to shareholders. 10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction 45

A.D. 1880.

*Chew
Magna Gas.*

or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by 5 public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital.

11. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the 10 expenses of and incident to such issue, shall not be considered as profits of the

Application of premium arising on issue of shares.

Undertakers, but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividends.

15. 12. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds actually paid up of such original capital, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as preference capital.

Limits of dividend on capital.

13. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any time exceed in the whole seven 25 hundred and fifty pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

Limit of borrowing powers.

Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas, Coke, and Residual Products.

30 14. The Undertakers on the lands shown on the map deposited for the purposes of this Order and described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, 35 apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual 40 products obtained in the manufacture of gas, and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

Undertakers may maintain and continue gasworks on lands described in Schedule, and may make and sell gas, &c.

15. The Undertakers shall cause all tanks used by them for the reception of residual products obtained in the manufacture of gas and matters producible therefrom, and for the reception of foul lime used for the purification of gas, to 45 be properly covered over.

Tanks for residual products, &c. to be covered.

A.D. 1880.

Chew
*Magna Gas.*Differences
with railway
and other
companies.

16. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, 5 the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Quality of Gas.

Quality of gas.

17. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to 10 the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

*Price of Gas.*Fixing maxi-
mum price of
gas.

18. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings per one thousand cubic feet, and 15 so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet: Provided always, that at any time after the expiration of two years from the date of the passing of the Act confirming this Order the Board of Trade may, if they think fit, upon the application of the local authority of any district or of twenty 20 inhabitant ratepayers within the limits of supply, by order alter the maximum price to be charged by the Undertakers as aforesaid, and from and after the date of such order the price to be charged by the Undertakers as aforesaid shall not exceed the maximum price fixed by the Board of Trade by such order.

25

Pressure of gas.

19. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe 30 supplying such consumer.

Testing of Gas.

Testing of gas.

20. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses 35 Act, 1871; and the burner to be used for testing gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may 40 from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is

supplied, and for that purpose may open any street, road, passage, or place A.D. 1880.
vested in or under the control of any local or road authority.

*Chew
Magna Gas.*

Miscellaneous.

21. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

22. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

23. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean "the Undertakers."

24. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

25. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

No penalty in
case of un-
avoidable
cause.

Undertakers to
pay interest on
deposit.

s Vict. c. 16.
s. 140. incor-
porated.

Saving of
existing con-
tracts.

Costs of Order.

SCHEDULE.

Gas Lands.

All that piece of land, with the buildings, gasworks, and other erections thereon, containing two rods and two perches, or thereabouts, situate in the parish of Chew Magna, in the county of Somerset, formerly part of the manor of Chew Magna, bounded on the northward and westward partly by property belonging or reputed to belong to John Cross, and partly by property belonging or reputed to belong to Amos Brittain; on the eastward by a bye-lane leading to a farmhouse and fields; and southward by a stream of water called and commonly known by the name of Winford Brook, or Compensation Water.

A.D. 1880.

Garstang
Gas.**GARSTANG GAS.**

Order empowering the Garstang Gas Company (Limited) to construct and maintain Gasworks and to manufacture and supply Gas within certain townships in the parish of Garstang in the county of Lancaster.

5

Short title.

1. This Order may be cited as "The Garstang Gas Order, 1880."

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry on lands by the Promoters) of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this 10 Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

15

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as the "limits of supply") shall be the townships of Barnacre-with-Bonds, Cabus, Catterall, Kirkland, Nateby, Garstang, and Winmarleigh, in the parish of Garstang in the county of Lancaster.

20

Undertakers.

The Undertakers.

5. The Garstang Gas Company (Limited) shall be the Undertakers for the purposes of this Order and are in this Order referred to as "the Undertakers."

Capital.

6. The share capital of the Undertakers shall for the purposes of their gas undertaking consist of two thousand five hundred pounds original capital and 25 one thousand pounds additional capital, and the share capital of the Undertakers shall not for such purposes exceed three thousand five hundred pounds, unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

30

Limit of borrowing powers.

7. The amount of all moneys borrowed by the Undertakers and secured by mortgage of their undertaking shall not at any time exceed in the whole eight hundred and seventy-five pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers 35 and secured as aforesaid.

Power to purchase lands.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map"), and described in the Schedule to this

Order annexed, as may be required for the purposes of the undertaking authorised by this Order, and in addition to those lands may purchase by agreement and subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold for any of the purposes of this Order any land not exceeding two acres, in addition to the land shown and described as aforesaid.

A.D. 1880.
—
*Garstang
Gas.*

*Construction and Maintenance of Gasworks, Manufacture and Sale of Gas,
Coke, and Residual Products.*

9. The Undertakers on the lands shown on the deposited map and described in the Schedule to this Order annexed, when they have acquired the same, may construct and maintain and from time to time alter and enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storage of gas and of coke and of other residual products obtained in the manufacture of gas, and matters producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture, sell, supply, and deal in coal tar, peat, coke, pitch, lime, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matters producible therefrom, and may sell and dispose of the same at the works and elsewhere, and may also manufacture, purchase, let, or deal in and contract for doing work in connection with fittings, tubes, meters, pipes, apparatus, and all articles and things in any way connected with gasworks or with the supply of gas, and may take charges and remunerations in respect thereof.

Undertakers
may construct
and maintain
gasworks on
lands described
in Schedule
and may make
and sell gas,
&c.

10. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for gas within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences
with railway
and other com-
panies.

11. The following provisions for the protection of the London and North-Western Railway Company, herein-after referred to as "the Company," shall have full effect; that is to say,—

For protection
of London and
North-Western
Railway
Company.

1. In laying down or in effecting the repairs or renewals of any mains or pipes, or in executing any other works which the Undertakers are authorised to do under this Order upon, across, over, under, or in any way affecting any railway or canal lands or property now or hereafter belonging or leased to or worked or occupied by the Company, or the bridges, approaches, stations, towing-paths, wharves, or other works of any such railway or canal, the same shall be done under the superintendence and to the reasonable satisfaction of their principal engineer, and (except in case of repairs) only according to such plans as shall be previously reasonably approved by him, and in all things by and at the expense of the Undertakers, who also shall make good and repair the roads over any such bridges and approaches which the Company are or may be liable to maintain, and which may be disturbed or interfered with

A.D. 1880.

*Garstang
Gas.*

by or owing to any operations of the Undertakers; and all such work matters, and things shall be constructed, executed, and done so as not to cause any injury to any such railway, canal, bridges, stations, wharves, works, lands, or property, or interruption to the passage or conduct of traffic over any such railway or canal or at any station or 5 wharf thereon respectively; and if any such interruption or injury shall arise the Undertakers shall make compensation to the Company in respect thereof, the amount of such compensation, together with full costs, to be recoverable by the Company from the Undertakers by all and the same means as any simple contract debt is recoverable.

10

2. The Undertakers shall not permit or suffer any tar water, drainage of any kind, residual products, or refuse from their works to flow, run, or find their way into the Lancaster Canal of the Company, or any feeder or drain thereof, or to the wharf situate on the north-eastern side of the said canal, under a penalty of fifty pounds for every such offence, 15 and a further penalty of ten pounds for every day during which such offence shall continue; such penalties to be recoverable as liquidated damages by the Company from the Undertakers, with full costs, as aforesaid.
3. Nothing in this Order shall prejudice, lessen, take away, or interfere 20 with the lands, property, rights, powers, and privileges of the Company otherwise than is herein expressly provided.
12. The Undertakers may, subject to the provisions of this Order (but only for the purposes of the undertaking within the limits of supply, and not so as to acquire any exclusive right therein), contract for, take, and use any 25 leave, license, or authority to work, use, exercise, and put in practice any invention under letters patent heretofore made or hereafter to be made granting any right or privilege of working, using, or vending any invention in relation to the manufacture, production, and distribution of gas, or the conversion, manufacture, or utilisation of any products obtainable in or 30 arising from such manufacture or production, or from the materials used therein.

Quality of Gas.

- Quality of gas.* 13. The quality of gas supplied by the undertakers shall with respect to its illuminating power be such as to produce a light equal in intensity 35 to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

- Price of gas.* 14. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed seven shillings and sixpence per one thousand cubic feet, 40 and so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet; and provided also, that at any time after the expiration of two years from the date of the passing of the Act confirming this Order, the Board of Trade may, if they think fit, upon the application of the Undertakers or of the local authority of any district, 45

A.D. 1880.

Garstang
Gas.

or of twenty inhabitant ratepayers within the limits of supply, by order alter the maximum price to be charged by the Undertakers as aforesaid, and from and after the date of such order the price to be charged by the Undertakers as aforesaid shall not exceed the maximum price fixed by the Board of Trade by 5 such order.

Pressure of Gas.

15. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to 10 midnight a column of water not less than eight tenths of an inch in height at the main as near as may be to the junction therewith of the service pipe supplying such consumer. Pressure of gas.

Testing of Gas.

16. The Undertakers shall before supplying gas under the authority of Test meter. 15 this Order cause to be provided at their works a testing place with apparatus therein according to the provisions of the Gasworks Clauses Act, 1871, and the burner to be used for testing the gas shall be a Sugg's London Argand No. 1 with a six-inch by one-and-three-quarter-inch glass chinmey, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch 20 chimney shall be used, and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order may from time to time, subject to the terms of his appointment, at such testing place or elsewhere as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place (not being the 25 immediate approach to any railway or canal bridge or station wharf) vested in or under the control of any local or road authority.

Miscellaneous.

17. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such 30 insufficiency, defect, or excess was caused by an unavoidable cause or accident. No penalty in case of unavoidable cause.

18. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become 35 due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands. Undertakers to pay interest on deposit.

40. 19. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that for the purpose of such incorporation the expression "the Company" in the said section shall be construed to mean the Undertakers. 8 Vict. c. 16. s. 140 incorporated.

A.D. 1880.

Garstang
Gas.

Costs of Order.

20. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

10

SCHEDULE.

A plot of land containing three thousand eight hundred and ninety square yards, or thereabouts, situate in the township of Garstang, and bounded on the north by the high road leading from Garstang to Out Rawcliffe, on the south and west by the Lancaster and Preston Canal, and on the east by land belonging or claimed to belong to the Reverend William Arnold Walpole Keppel.

10

Halstead
Gas.

HALSTEAD GAS.

Order conferring powers for the maintenance and continuance of Gasworks, and for the manufacture and supply of Gas, in the parish of Halstead, in the county of Essex.

Short title.

1. This Order may be cited as "The Halstead Gas Order, 1880."

15

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act, 1847, (except sections thirty to thirty-four, both inclusive,) and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

20

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

30

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parish of Halstead, in the county of Essex.

35

Undertakers.

Undertakers.

5. The Halstead Gas Company, Limited, to whom, since the making of the application for this Order by Robert Ellington Greenwood, the undertaking

A.D. 1880.

*Halsteaa
Gas.
Capital.*

- has been transferred, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."
6. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order consist of ten thousand pounds, already expended on the undertaking, and in this Order referred to as "the original capital," and of additional share capital to be raised subject to the provisions of this Order not exceeding five thousand pounds; and the original and additional share capital of the Undertakers shall not for such purposes exceed fifteen thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.
7. The Undertakers shall, when any shares forming part of the said additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.
8. It shall be one of the conditions of any sale of shares under this Order that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.
9. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply.
10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of

New shares
be offered
by auction or
tender.

Purchase
money of
shares sold by
auction to be
paid within
three months.

As to notice to
be given as to
sale, &c. of
shares.

Shares not sold
by auction or
by tender to
be offered to
shareholders.

A.D. 1880. this Order with respect to the sale of shares forming part of the said additional capital.

Halstead

Gas.

Application of premium arising on issue of shares.

11. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the 5 Undertakers, but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividends.

Limits of dividend on capital.

12. Except as by this Order expressly provided, the Undertakers shall not 10 in any year make out of their profits any larger dividends on the said original and additional capital than the standard rates of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds of the original capital, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital as may be issued as ordinary capital, 15 or six pounds in respect of every one hundred pounds of such additional capital as may be issued as preference capital; and such dividends, or such dividends as reduced or increased in accordance with the provisions of this Order, are in this Order referred to as "the prescribed rates."

Limit of borrowing powers.

13. The amount of all moneys borrowed by the Undertakers, and secured by 20 mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole three thousand seven hundred and fifty pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the 25 passing of the Act confirming this Order.

If profits exceed the amount limited excess may be invested and form an insurance fund.

14. If the clear profits of the undertaking authorized by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the 30 Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers, which sum shall form an insurance fund 35 to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strikes, or other circumstances which in the opinion of a justice due care and management could not have prevented, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as 40 often as such reduction happens: Provided that when and so often as the said sum reaches one twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend; provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not 45

at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid. A.D. 1880.

15. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the prescribed rates, the 5 excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

16. Where in any year the amount of the standard rates of dividend is by reason of a diminution of the standard price charged by the Undertakers in such 10 year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the passing of the Act confirming this Order, may be invested in Government 15 or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest; and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are 20 insufficient to enable the Undertakers in such year to pay the prescribed rates; and, save as in this Order otherwise provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

17. In addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as the deposited map), and described in 25 the Schedule to this Order annexed, the Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such lands as they may require: Provided, that the Undertakers shall not at any time hold for such purposes more than three acres in addition to the lands 30 shown and described as aforesaid.

Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas, Coke, and Residual Products.

18. The Undertakers on the lands shown on the deposited map and described in the Schedule to this Order annexed, while they are possessed of the same, 35 may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the 40 same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

19. If any difference arise between the Undertakers and any railway, canal, 45 or other company whose lands or works the Undertakers have power to cross, Differences with railway and other companies.

*Halstead
Gas.*

Application of excess of profits over prescribed rates.

Power to create a reserve fund out of dividends in excess of the standard rates of dividend, and application thereof.

Power to purchase additional lands.

Undertakers may maintain and continue gasworks on lands described in Schedule, and may make and sell gas, &c.

A.D. 1880.

Halstead
Gas.

under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

5

Quality of gas.

20. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

10

Fixing maximum price of gas, with sliding scale as to dividend.

21. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings per one thousand cubic feet, and so in proportion for any less quantity supplied : Provided that the Undertakers may increase or diminish such standard price, subject to a reduction or increase in the standard rates of dividends on the ordinary shares or stock in the original and additional capital of the Undertakers, to be calculated as follows :—

For every penny or part of a penny charged in excess or in diminution of such standard price in any one year, the standard rates of dividend on the said ordinary shares or stock shall for such year be reduced or increased by five shillings in the one hundred pounds per annum.

Pressure of Gas.

Pressure of gas.

22. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas.

23. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871 ; and the burner to be used for testing gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used ; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Miscellaneous.

A.D. 1880.

24. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such 5 insufficiency, defect, or excess was caused by an unavoidable cause or accident.

*Halstead Gas.*No penalty in
case of un-
avoidable
cause.Undertakers to
pay interest on
deposit.

25. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five 10 pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

26. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that, 15 for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean "the Undertakers."

8 Vict. c. 16.
s. 140. incor-
porated.

27. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred, by, with, or towards the said Robert Ellington Greenwood or the Undertakers, before the passing of the 20 Act confirming this Order, with respect to the gasworks or the supply of gas from the same; and any such contract, agreement, or liability may be enforced by or against the Undertakers as though the same were duly made or incurred by, with, or towards them after the passing of the Act confirming this Order.

Saving of
existing con-
tracts.

28. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation 25 thereto, shall be paid by the Undertakers.

Costs of Order.

SCHEDULE.

Gas Lands.

- A piece or parcel of land in the parish of Halstead, in the county of Essex, 30 now occupied by the existing Gasworks, and belonging to Robert Ellington Greenwood, situate on the west side of Rosemary Lane, and being bounded on the east by the said Rosemary Lane; on the north and west by the Colne Valley Ironworks, belonging to William Symington and in part occupied by George Hawkins; and on the south in part by the Colne Valley Ironworks 35 aforesaid, and in part by four small cottages and gardens belonging to James Harrington.

A.D. 1880.

*Harrogate
Gas.***HARROGATE GAS.***Order empowering the Harrogate Gas Company to raise
Additional Capital.*

Short title.

Construction
of Order.Incorporation
of Acts.

1. This Order may be cited as "The Harrogate Gas Order, 1880."

2. The Harrogate Gas Company's Act, 1863, (in this Order referred to as 5
 "the Act of 1863,") and this Order shall be construed together, except so far
 as such construction would be inconsistent with or repugnant to the provisions
 of this Order: Provided that sections thirty to thirty-four both inclusive of the
 Gasworks Clauses Act, 1847, shall not continue to be incorporated with or to form
 part of the Act of 1863.

3. So far as the same relate to the powers conferred by this Order, the
 provisions of the Companies Clauses Consolidation Act, 1845, with respect
 to the several matters following; (that is to say,) 10

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The borrowing of money by the Company on mortgage or bond;

The consolidation of the shares into stock;

The general meetings of the Company, and the exercise of the right of
 voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by
 all parties interested;

and Part 1 (relating to cancellation and surrender of shares), and Part 2
 (relating to additional capital), and Part 3 (relating to debenture stock) of 25
 the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, and the
 Gasworks Clauses Act, 1871, (except in so far as the said last-mentioned Act
 may be inconsistent with the Act of 1863), are, except where expressly varied
 by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said 30
 Acts shall be construed to mean this Order.

Undertakers.

4. The Harrogate Gas Company, incorporated by the Act of 1863, shall
 be the Undertakers for the purposes of this Order, and are in this Order
 referred to as "the Undertakers."

Additional
capital.

5. In addition to the capital already authorised to be raised by the Under- 35
 takers under the Act of 1863, they may from time to time—

1. Raise any further sums not exceeding in the whole sixty thousand pounds
 by the issue of new ordinary or preference shares; but the Undertakers
 shall not issue any share under the authority of this Order of less nominal
 value than ten pounds, nor shall any such share vest in the person or 40
 corporation accepting the same, unless and until the full nominal
 amount of such share, together with any premium obtained upon the
 sale thereof, has been paid in respect thereof: Provided that it shall
 not be lawful for the Undertakers to create and issue under the powers
 of this Order any greater nominal amount of capital than will be 45

A.D. 1880.

*Harrogate
Gas.*

- sufficient to produce, including any premiums which may be obtained on the sale thereof, the sum of sixty thousand pounds; and
2. Borrow on mortgage, in respect of the additional capital of sixty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole twenty thousand pounds; and the Undertakers may, as each sum of fifteen thousand pounds of such additional capital has been issued and accepted, and the amount of each sum has been paid up, borrow on mortgage, in respect of each sum of fifteen thousand pounds, any sum or sums not exceeding in the whole five thousand pounds; but in no case shall any part of the said respective sums of five thousand pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued, accepted, and paid up, and that such capital was issued bona fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns; and upon production to such Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.
6. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same dividends, and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.
7. The Undertakers shall, when any shares created under the powers of this Order are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, and whether the ordinary shares or ordinary stock of the Undertakers are or is at a premium or not offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time determine: Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender shall be allowed to any holder of shares or stock of the Undertakers.

[176.]

C 2

New shares to
be offered by
auction or
tender.

A.D. 1880.

*—
Harrogate
Gas.*Purchase
money of
capital sold by
auction to be
paid within
three months.As to notice to
be given as to
sale, &c. of
shares.Shares not sold
by auction or
by tender to be
offered to
shareholders.Application
of premium
arising on
shares.Power to create
debenture
stock.Priority of
existing mort-
gages.Limits of divi-
dend on
capital.

8. It shall be one of the conditions of any sale of shares under this Order that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

9. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 10

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at 15 the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares so offered, and not accepted within the time prescribed by the said Act, shall again be offered for sale by public 20 auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares created under the powers of this Order.

11. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the 25 Undertakers, but shall be expended in extending or improving the works of the Undertakers, or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividend.

12. The Undertakers may create and issue debenture stock instead of and 30 to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank pari passu with 35 the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

13. All mortgages and debenture stock granted and issued by the Undertakers under the authority of the Act of 1863 shall have priority over all 40 mortgages and debenture stock granted and issued under the authority of this Order.

14. Except as is by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividend on the capital authorised by the Act of 1863, and on the additional capital authorised by this 45 Order, than the standard rates of dividend herein-after mentioned, namely, the

A.D. 1880.

*Harrogate
Gas.*

rates of profit prescribed by the Act of 1863 in respect of the capital thereby authorised, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital authorised by this Order, as is issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such additional capital as is issued as preference capital; and such dividends, or such dividends as reduced or increased in accordance with the provisions of this Order, shall be the prescribed rates.

15. In case in any half year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed rates on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

16. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

17. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, 20 to the extent of one per centum per annum upon the paid-up capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the 25 paid-up capital of the Undertakers, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strikes, or other circumstances which, in the opinion of a Justice, due care and management could not have prevented; and if such fund be at any time reduced, it may 30 thereafter be again made up to the said sum, and so from time to time as often as such reduction happens: Provided that when and so often as the said sum reaches one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet 35 any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

18. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the prescribed rates, the 40 excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

19. Where in any year the amount of the standard rates of dividend is by reason of a diminution of the standard price charged by the Undertakers in such 45 year increased, then out of the amount of the divisible profits of the Undertakers

Dividends on different classes of shares to be paid rateably.

Limit of interest on borrowed moneys.

If profits exceed the amount limited, excess may be invested and form an insurance fund.

Application of excess of profits over prescribed rates.

Power to create a reserve fund out of dividends in excess of

A.D. 1880.

Harrogate
Gas.the standard
rates of divi-
dend, and
application
thereof.

applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the passing of the Act confirming this Order, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest, and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates, and, save as in this Order otherwise provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

Appointment
of a receiver.

20. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Application of
money.

21. All moneys raised under this Order shall be applied to the purposes of the undertaking authorised by the Act of 1863 and this Order.

Fixing maxi-
mum price of
gas, with sliding
scale as to
dividend.

22. The standard price to be charged by the Undertakers for gas supplied by them shall be five shillings and sixpence per one thousand cubic feet, and so in proportion for any less quantity supplied, subject to a discount at the rate of ten pounds per centum, upon any payment for gas so supplied, made within six weeks after the termination of the quarter in which such supply was furnished (notice to the consumer of the amount due having been given at least fourteen days before the expiration of such six weeks), provided that the Undertakers may increase or diminish such standard price, subject to such discount as aforesaid, and subject to a reduction or increase in the standard rates of dividend to be calculated as follows:—

For every penny or part of a penny charged in excess or in diminution of such standard price in any one year, the standard rates of dividend shall for such year be reduced or increased by five shillings in the one hundred pounds per annum:

35

Provided always, that the standard rate of dividend payable by the Undertakers in respect of any preference shares or preference stock at any time created and issued by the Undertakers shall not be increased or diminished so long as any such preference continues.

Power to pur-
chase addi-
tional lands.

23. In addition to the lands which the Undertakers were by the Act of 1863 authorised to purchase, the Undertakers may from time to time purchase by agreement and subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold for any of the purposes of the Act of 1863 and of this Order, such lands as they may require, provided that they shall not at any time hold for such purposes more than five acres in addition to the lands authorised by the Act of 1863, to be purchased and held by them.

24. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

A.D. 1880.

HarrogateGas.

Costs of Order.

HOLYWELL GAS.

Holywell
Gas.

5 *Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks, and to make and supply Gas in certain parts of the parishes of Holywell and Whitford, in the county of Flint.*

1. This Order may be cited as "The Holywell Gas Order, 1880."

Short title.

10 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the Promoters of the undertaking), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by 15 this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this 20 Order.

Incorporation
of Acts.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

Interpretation.

25 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the townships of Holywell, Greenfield, Calcot, Brynford, Bagillt-fawr, Bagillt-fechan, Whelstone, and Coleshill-fechan, in the parish of Holywell, and the townships of Isglan, Bychton, and Mostyn, in the parish of Whitford, all in 30 the county of Flint.

Limits of
Order.*Undertakers.*

5. The British Gas Light Company (Limited) shall be the undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

35 6. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order be deemed to consist of the sum of ten thousand four hundred and thirteen pounds, already expended by the Undertakers (in this Order referred to as "original capital"), and of additional share capital for the purposes of this Order not exceeding ten thousand pounds; and

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*Holywell
Gas.*Limits of
dividend on
capital.

the original and additional share capital of the Undertakers shall not for such purposes exceed twenty thousand four hundred and thirteen pounds, unless the Undertakers are hereafter authorised to expend for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

5

Limit of
borrowing
powers.

7. The Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds of such original capital, and seven pounds in respect of every one hundred pounds actually expended of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually expended of such additional capital as may be issued as preference capital.

8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorized by this Order shall not at any time exceed in the whole five thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

Power to pur-
chase addi-
tional lands.

9. In addition to the lands shown on the map deposited for the purposes of this Order (in this Order referred to as "the deposited map") and described in the Schedule to this Order annexed, the Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such lands as they may require, provided that they shall not at any time hold for such purposes more than five acres in addition to the lands shown and described as aforesaid.

*Maintenance and Continuance of Gasworks ; Manufacture and Sale of Gas,
Coke, and Residual Products.*

Undertakers
may maintain
and continue
gasworks on
lands described
in Schedule,
and may make
and sell gas,
&c.

10. The Undertakers on the lands shown on the deposited map and described in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue, and from time to time alter and enlarge, retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.

40

Differences
with railway
and other
companies.

11. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same,

—

the same shall be settled by an engineer to be appointed by the Board of Trade A.D. 1880.
at the request of either party.

*Holywell
Gas.*

Quality of Gas.

12. The quality of gas supplied by the Undertakers shall, with respect to Quality of gas,
5 its illuminating power, be such as to produce a light equal in intensity to
the light produced by fourteen sperm candles, and shall in all respects be in
accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

13. The price to be charged by the Undertakers for gas supplied by them to Fixing maxi-
10 consumers shall not exceed five shillings and sixpence per one thousand cubic mum price of
feet, and so in proportion for any less quantity supplied, provided that every
gas.
fraction of one hundred feet may be charged as one hundred feet.

Pressure of Gas.

14. All gas supplied by the Undertakers to any consumer of gas shall be Pressure of gas.
15 supplied at such pressure as to balance from midnight to sunset a column of
water not less than six tenths of an inch in height, and to balance from sunset
to midnight a column of water not less than eight tenths of an inch in height
at the main, as near as may be to the junction therewith of the service pipe
supplying such consumer.

20

Testing of Gas.

15. The Undertakers shall, within six months after the passing of the Act Testing of gas.
confirming this Order, cause to be provided at their works a testing place,
with apparatus therein, according to the provisions of the Gasworks Clauses
Act, 1871; and the burner to be used for testing gas shall be a Sugg's
25 London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass
chimney, and if at any time the gas flame tails over the top of the glass a
six-inch by two-inch chimney shall be used; and any gas examiner appointed
under the Gasworks Clauses Act, 1871, for the purposes of this Order, may
from time to time, subject to the terms of his appointment, at such testing place
30 or elsewhere, as and when he thinks fit, test the pressure at which the gas is
supplied, and for that purpose may open any street, road, passage, or place
vested in or under the control of any local or road authority.

Miscellaneous.

16. No penalty shall be incurred by the Undertakers for insufficiency of No penalty in
35 pressure, defect of illuminating power, or for excess of impurity in the gas case of un-
supplied by them in any case in respect of which it is proved that such avoidable
insufficiency, defect, or excess was caused by an unavoidable cause or
accident.

17. Where any money is deposited by any person by way of security with Undertakers to
40 the Undertakers for the payment to them of all moneys which may become pay interest on
deposit.

[176.]

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A.D. 1880.

*Holywell
Gas.*8 Vict. c. 16.
s. 140. incor-
porated.Saving of
existing con-
tracts.

Costs of Order.

due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

5

18. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean "the Undertakers."

19. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

20. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

A piece of land in the parish of Holywell, in the county of Flint, bounded on the south by the Holywell stream, on the east partly by the Holywell stream and partly by land belonging or reputed to belong to Messieurs Greenall and Company, partly occupied by John Edward Jones, on the north by land belonging or reputed to belong to the said Messieurs Greenall and Company, and on the west by land belonging or reputed to belong to Robert Jones, and in the occupation of Thomas Lewis, Joseph Jones, Edward Jones, 25 James Terry, Evan Edwards, Edward Jones, and Edward Bailey.

*Long Eaton
Gas.*

LONG EATON GAS.

Order empowering the Long Eaton Gas Company (Limited) to maintain and continue Gasworks and to construct additional Gasworks, and to make and supply Gas, in the township of 30 Long Eaton, and in the parishes or townships of Sawley, Little Wilne, Draycott, Breaston, Risley, and Wilsthorpe, all in the county of Derby.

Short title.

Incorporation
of Acts.

1. This Order may be cited as "The Long Eaton Gas Order, 1880."
2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect

to the entry upon lands by the promoters of the undertaking) of the Gasworks Clauses Act, 1847 (except sections thirty to thirty-four, both inclusive), and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order.

A.D. 1880.

*Long Eaton
Gas.*

10 3. The several words, terms, and expressions to which by the Acts in whole Interpretation. or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings.

15 4. The limits within which the provisions of this Order shall be in force and Limits of Order. have effect (in this Order referred to as "the limits of supply") shall be the parishes or townships of Long Eaton, Sawley, Little Wilne, Draycott, Breaston, Risley, and Wisthorpe, all in the county of Derby.

Undertakers.

5 5. The Long Eaton Gas Company (Limited) shall be the Undertakers for Undertakers 20 the purposes of this Order, and are in this Order referred to as "the Undertakers."

25 6. The share capital of the Undertakers shall for the purposes of the under- Capital. taking authorised by this Order consist of the original share capital, amounting to sixteen thousand pounds, already raised or authorised to be raised by the Undertakers, and in this Order referred to as "the original capital," and of additional share capital to be raised subject to the provisions of this Order not exceeding fourteen thousand pounds; and the original and additional share capital of the Undertakers shall not for such purposes exceed thirty thousand pounds, unless the Undertakers are hereafter authorised to raise for such purposes further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

35 7. The Undertakers shall, when any shares forming part of the said additional capital are to be issued, and before offering the same to the holder of any other shares or stock of the Undertakers, offer the same for sale by public auction or by tender, in such manner, at such times, and subject to such conditions of sale as the Undertakers may from time to time by special resolution determine: Provided that at any such sale no single lot shall comprise more than fifty pounds nominal value of shares, and that the reserved price put upon such shares shall not be less than the nominal amount thereof, and notice 40 of the amount of such reserved price shall be sent by the Undertakers in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders, and not sooner, and provided that no priority of tender 45 shall be allowed to any holder of shares or stock of the Undertakers.

New shares to be offered by auction or tender.

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Long Eaton
Gas.Purchase
money of
shares sold by
auction to be
paid within
three months.As to notice to
be given as to
sale, &c. of
shares.Shares not sold
by auction or
by tender to
be offered to
shareholders.Application of
premium
arising on
issue of shares.Limits of divi-
dend on capital.Limit of bor-
rowing powers.

8. It shall be one of the conditions of any sale of shares under this Order that the whole nominal amount of each share, together with any premium given by any purchaser at such sale in respect thereof, shall be paid to the Undertakers within three months after such sale.

9. The intention to sell any shares by auction or by tender under the provisions of this Order shall be communicated by the Undertakers in writing to the clerk of the local authority of the district in which the principal office of the Undertakers is situate, and to the secretary of the Committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised by the Undertakers once in each of two consecutive weeks in one or more newspapers circulating within the limits of supply. 5 10

10. When any shares have been offered for sale by auction or by tender under the provisions of this Order, and not sold, the same shall be offered, at the reserved price put upon the same respectively for the purpose of sale by auction or tender, to the holders of the ordinary shares or ordinary stock of the Undertakers, in such manner as may be prescribed by a special resolution passed by the Undertakers: Provided always, that any shares so offered, and not accepted within the time prescribed by such resolution, shall again be offered for sale by public auction or by tender, in the manner and subject to the provisions of this Order with respect to the sale of shares forming part of the said additional capital. 15 20

11. Any sum of money which may arise from the issue of any shares under the provisions of this Order by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Undertakers, but shall be expended in extending or improving the works of the Undertakers or in paying off money borrowed or owing on mortgage by the Undertakers, and shall not be considered as part of the capital of the Undertakers entitled to dividends. 25

12. Except as by this Order expressly provided, the Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than the standard rates of dividend herein-after mentioned, namely, ten pounds in respect of every one hundred pounds actually paid up of such original capital, and seven pounds in respect of every one hundred pounds actually paid up of such additional capital issued as ordinary capital, or six pounds in respect of every one hundred pounds of such additional capital issued as preference capital; and such dividends, or such dividends as reduced or increased in accordance with the provisions of this Order, are in this Order referred to as "the prescribed rates." 30 35

13. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole six thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid after the passing of the Act confirming this Order. 40 45

14. If the clear profits of the undertaking authorised by this Order in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Undertakers, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Undertakers, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Undertakers from accident, strikes, or other circumstances which in the opinion of a Justice due care and management could not have prevented, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction happens: Provided that when and so often as the said sum reaches one twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend; provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

15. If the clear profits of the undertaking of the Undertakers in any year amount to a larger sum than is sufficient to pay the prescribed rates, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next 25 following year.

16. Where in any year the amount of the standard rates of dividend is by reason of a diminution of the standard price charged by the Undertakers in such year increased, then out of the amount of the divisible profits of the Undertakers applicable to the payment of such increase the Undertakers may in such year set apart such sum as they think fit, and all sums (if any) so set apart by the Undertakers, and any reserve or other fund of the Undertakers existing at the passing of the Act confirming this Order, may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest; and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Undertakers are insufficient to enable the Undertakers in such year to pay the prescribed rates; and, save as in this Order otherwise provided, no sum shall in any year be carried by the Undertakers to any reserve fund.

Acquisition of Lands.

17. The Undertakers may by agreement purchase or take on lease and use such of the lands shown on the map deposited for the purpose of this Order, (in this Order referred to as "the deposited map") and described in Part II.

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Long Eaton
Gas.

If profits exceed the amount limited excess may be invested and form an insurance fund.

Application of excess of profits over prescribed rates.

Power to create a reserve fund out of dividends in excess of the standard rates of dividend, and application thereof.

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Long Eaton
Gas.

of the Schedule to this Order annexed as may be required for the undertaking authorised by this Order; and they may from time to time purchase by agreement, and, subject to the provisions of section five of the Gasworks Clauses Act, 1871, may hold, for any of the purposes of this Order, such other lands as they may require: Provided that they shall not at any time hold for such 5 purposes more than three acres in addition to the lands described in the Schedule to this Order annexed.

Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas, Coke, and Residual Products.

**Undertakers
may maintain
and continue
gasworks on
lands described
in Schedule,
and may make
and sell gas,
&c..**

18. The Undertakers on the lands shown on the deposited map and described 10 in Part I. of the Schedule to this Order annexed, so long as they are possessed of the same, may maintain and continue, and from time to time alter and enlarge their existing gasworks and works connected therewith, and they may on the lands shown on the deposited map and described in Part II. of the said Schedule, when and so long as they are possessed of the same, construct 15 and maintain, and from time to time alter and enlarge additional retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas, and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom; and they may, subject to the provisions of this Order, make gas, and supply and sell the 20 same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere; and may also manufacture, purchase, or hire, and supply gas-meters, fittings, gas stoves, cooking, and other 25 apparatus.

**Power to divert
footpaths.**

19. The Undertakers may divert or vary the footpath or reputed footpath or road over the lands described in the first paragraph of Part II. of the Schedule to this Order annexed, or some part or parts thereof, and which said reputed footpath or road leads from Cross Street and Union Street, Long 30 Eaton, into the Nottingham Road, by diverting the same down the western side of the land purchased by the Undertakers from Mr. John Marshall, and which said land is more particularly described in the first paragraph of Part II. of the said Schedule.

**For protection
of Midland
Railway
Company.**

20. Any mains, pipes, or other works which the Undertakers may lay down 35 or execute under or over, or which may affect any railway or works of the Midland Railway Company, shall be laid down and executed and subsequently maintained and repaired by the Undertakers under the direction and superintendence and to the reasonable satisfaction of the engineer for the time being of the said Railway Company, and in accordance with plans and sections previously submitted to and approved by him.

**Differences
with railway
and other com-
panies.**

21. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, 45

A.D. 1880.

altering, or enlarging their pipes, or the facilities to be afforded for the same,
the same shall be settled by an engineer to be appointed by the Board of Trade
at the request of either party.

*Long Eaton
Gas.**Quality of Gas.*

- 5 22. The quality of gas supplied by the Undertakers shall, with respect to *Quality of gas.*
its illuminating power, be such as to produce a light equal in intensity to
the light produced by fourteen sperm candles, and shall in all respects be in
accordance with the provisions of the Gasworks Clauses Act, 1871.

Price of Gas.

- 10 23. The standard price to be charged by the Undertakers for gas supplied
by them shall be five shillings and two pence per one thousand cubic feet,
within the township of Long Eaton aforesaid, and six shillings and two pence
per one thousand cubic feet supplied by them beyond such township and within
the limits of supply, and so in proportion for any less quantity supplied: Pro-
15 vided that the Undertakers may increase or diminish such standard price,
subject to a reduction or increase in the standard rates of dividend on the
ordinary shares or stock in the original and additional capital of the Undertakers,
to be calculated as follows:—
- For every penny or part of a penny charged in excess or in diminution of
20 such standard price in any year, the standard rates of dividend on the said
ordinary shares or stock shall for such year be reduced or increased by
five shillings in the one hundred pounds per annum.
- In case the amount due by any consumer is not paid within one month after
25 demand, the Undertakers shall be entitled to demand, by way of fine, in
respect of every one thousand cubic feet of gas consumed and charged for
in such amount a sum not exceeding one penny for every shilling forming
part of the standard price payable in respect of such one thousand cubic
feet, and any such sum so demanded by the Undertakers shall be paid
to the Undertakers, and may be recovered by them in like manner as gas
30 rents.

*Fixing maximum price of gas, with sliding scale as to dividend.**Pressure of Gas.*

24. All gas supplied by the Undertakers to any consumer of gas shall be *Pressure of gas.*
supplied at such pressure as to balance from midnight to sunset a column of
water not less than six-tenths of an inch in height, and to balance from sunset
35 to midnight a column of water not less than eight-tenths of an inch in height
at the main, as near as may be to the junction therewith of the service pipe
supplying such consumer.

Testing of Gas.

25. The Undertakers shall, within six months after the passing of the Act *Testing of gas.*
40 confirming this Order, cause to be provided at their works a testing place, with
apparatus therein, according to the provisions of the Gasworks Clauses Act,

A.D. 1880.

Long Eaton Gas.

1871; and the burner to be used for testing gas shall be a Sugg's London Argand No. 1, with a six inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, 5 subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority.

Miscellaneous.

10

No penalty in case of unavoidable cause.

26. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident.

Undertakers to pay interest on deposit.

27. Where any money is deposited by any person by way of security with 15 the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, fittings, gas stoves, cooking or other apparatus, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by way of such security for 20 every six months during which the same remains in their hands.

8 Vict. c. 16. s. 140. incorporated.

28. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order: Provided that, for the purpose of such incorporation, the expression "the Company" in the said section shall be construed to mean "the Undertakers." 25

Saving of existing contracts.

29. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers.

Costs of Order.

30. All the costs, charges, and expenses of and incidental to the applying for, 30 preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

Gas Lands.

PART I.

35

A piece or parcel of land situate in the township of Long Eaton, in the parish of Sawley, in the county of Derby, belonging to and in the occupation of the Undertakers, and upon which their existing works stand bounded on the north by a street called Chapel Street, on the south by hereditaments belonging to Samuel John Claye, on the east in part by hereditaments belonging to the 40 executors of Francis Bonsall deceased, and on other part by hereditaments

belonging to Thomas and John Maltby, and on the west by hereditaments belonging to John Wright, William Wilson, Samuel Butler, and Thomas Day respectively, and which piece or parcel of land contains two thousand four hundred and fifty-five square yards or thereabouts.

A.D. 1880.

*Long Eaton
Gas.*

- 5 A piece or parcel of land in Long Eaton aforesaid, belonging to and in the occupation of the Undertakers, bounded on or towards the north by lands belonging to Thomas Fletcher, on the east by lands belonging to the Midland Railway Company, on the west as to part thereof by a piece of land next herein-after mentioned, and as to other part thereof by lands belonging to James Jerram Pratt, and also as to other part thereof by hereditaments belonging to Thomas Alexander Drennan, and on the south partly by the said hereditaments also belonging to the said Thomas Alexander Drennan, and on other part thereof by a certain street called or known as Union Street, and which said piece or parcel of land is now used by the Undertakers for the purposes of storage of gas, and contains five thousand eight hundred and eight square yards or thereabouts.

PART II.

A piece or parcel of land in Long Eaton aforesaid, bounded on or towards the north by a certain high road leading from Derby to Nottingham, and called 20 Nottingham Road, on the east partly by lands belonging to Thomas Fletcher, and on other part by the lands secondly above described, on the west by lands belonging to John Marshall, and on the south by lands belonging to James Jerram Pratt, and containing five thousand seven hundred and thirty-one square yards or thereabouts.

- 25 A piece or parcel of land situate in Long Eaton aforesaid, belonging to and in the occupation of the said Thomas Fletcher, bounded on the north by Nottingham Road aforesaid, on the south by the lands secondly above described, on the east by the Midland Railway aforesaid, and on the west by the land and hereditaments thirdly herein-before described and containing two thousand 30 four hundred and ninety-eight square yards or thereabouts.

TROWBRIDGE GAS.

*Trowbridge
Gas.*

- Order empowering the British Gas Light Company (Limited) to maintain and continue Gasworks, and to make and supply Gas in the town and parish of Trowbridge, the tything of Studley and Staverton, and the parishes of Hilperton, West Ashton, North Bradley (including Southwick and Yarnbrook), Steeple Ashton, Semington, and Winkfield, all in the county of Wilts.*

1. This Order may be cited as "The Trowbridge Gas Order, 1880." Short title.
2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to

Incorporation
of Acts.

A.D. 1880. the entry upon lands by the Promoters of the Undertaking), of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871, are hereby incorporated with this Order, except where the same are expressly varied by this Order; and the said provisions of the said Gasworks Clauses Acts shall apply as well to the mains, pipes, and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined by this Order, as to any mains, pipes, or works which may be laid down or constructed under the authority of this Order. 5

Interpretation. 3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Waterworks Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings. 10

Limits of Order. 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the town and parish of Trowbridge, the tything of Studley and Staverton, and the parishes of Hilperton, West Ashton, North Bradley (including Southwick and Yarnbrook), Steeple Ashton, Semington, and Winkfield, all in the county of Wilts. 15

Undertakers.

20

Undertakers. 5. The British Gas Light Company (Limited) shall be the undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 10

Capital. 6. The share capital of the Undertakers shall for the purposes of the undertaking authorised by this Order be deemed to consist of the sum of twenty thousand two hundred and fifty-three pounds, already expended by the Undertakers (in this Order referred to as "Original Capital"), and of additional share capital for the purposes of this Order not exceeding twenty thousand pounds, and the original and additional share capital of the Undertakers shall not for such purposes exceed forty thousand two hundred and fifty-three pounds, unless the Undertakers are hereafter authorised to expend for such purposes further additional share capital by Provisional Order under the Gas and Waterworks Facilities Act, 1870, or by Act of Parliament. 25 30

Limits of dividend on capital. 7. The Undertakers shall not in any year make out of their profits any larger dividends on the said original and additional capital than ten pounds in respect of every one hundred pounds of such original capital, and seven pounds in respect of every one hundred pounds actually expended of such additional capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually expended of such additional capital as may be issued as preference capital. 35 40

Limit of borrowing powers. 8. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order shall not at any time exceed in the whole ten thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without

the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers after the passing of the Act confirming this Order and secured as aforesaid.

A.D. 1880.

Trowbridge
Gas.Power to pur-
chase additional
lands.

9. In addition to the lands shown on the map deposited for the purposes 5 of this Order (in this Order referred to as "the deposited map") and described in the Schedule to this Order annexed, the Undertakers may from time to time purchase by agreement, and, subject to the provisions of section five of the Gas Works Clauses Act, 1871, may hold, for any of the purposes of this Order, such lands as they may require: Provided, that they shall not at any 10 time hold for such purposes more than five acres in addition to the lands shown and described as aforesaid.

*Maintenance and Continuance of Gasworks; Manufacture and Sale of Gas,
Coke, and Residual Products.*

10. The Undertakers on the lands shown on the deposited map, and described 15 in the Schedule to this Order annexed, while they are possessed of the same, may maintain and continue and from time to time alter and enlarge retorts, gas-holders, receivers, purifiers, meters, apparatus, and works for the manufacture and storing of gas and of coke and other residual products obtained in the manufacture of gas and matter producible therefrom, and they may, subject to 20 the provisions of this Order, make gas, and supply and sell the same within the limits of supply, and may manufacture coal-tar, coke, pitch, asphaltum, and ammoniacal liquor, oil, and all other residual products obtained in the manufacture of gas, and matter producible therefrom, and may sell and dispose of the same at the works and elsewhere.
- 25 11. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for gas within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same, 30 the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Undertakers
may maintain
and continue
gasworks on
lands described
in Schedule,
and may make
and sell gas,
&c.Difference
with railway
and other
companies.

Quality of Gas.

12. The quality of gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce a light equal in intensity to 35 the light produced by fourteen sperm candles, and shall in all respects be in accordance with the provisions of the Gasworks Clauses Act, 1871.

Fixing maxi-
mum price of
gas.

13. The price to be charged by the Undertakers for gas supplied by them to consumers shall not exceed four shillings and sixpence per one thousand cubic 40 feet, and so in proportion for any less quantity supplied, provided that every fraction of one hundred feet may be charged as one hundred feet.

A.D. 1880.

Trowbridge
Gas.
Pressure of
gas.

Pressure of Gas.

14. All gas supplied by the Undertakers to any consumer of gas shall be supplied at such pressure as to balance from midnight to sunset a column of water not less than six-tenths of an inch in height, and to balance from sunset to midnight a column of water not less than eight-tenths of an inch in height 5 at the main, as near as may be to the junction therewith of the service pipe supplying such consumer.

Testing of Gas.

Testing of gas.

15. The Undertakers shall, within six months after the passing of the Act confirming this Order, cause to be provided at their works a testing place, 10 with apparatus therein, according to the provisions of the Gasworks Clauses Act, 1871; and the burner to be used for testing gas shall be a Sugg's London Argand, No. 1, with a six-inch by one-and-three-quarter-inch glass chimney, and if at any time the gas flame tails over the top of the glass a six-inch by two-inch chimney shall be used; and any gas examiner appointed 15 under the Gasworks Clauses Act, 1871, for the purposes of this Order, may from time to time, subject to the terms of his appointment, at such testing place or elsewhere, as and when he thinks fit, test the pressure at which the gas is supplied, and for that purpose may open any street, road, passage, or place vested in or under the control of any local or road authority. 20

Miscellaneous.

No penalty in
case of un-
avoidable
cause.

16. No penalty shall be incurred by the Undertakers for insufficiency of pressure, defect of illuminating power, or for excess of impurity in the gas supplied by them in any case in respect of which it is proved that such insufficiency, defect, or excess was caused by an unavoidable cause or accident. 25

Undertakers to
pay interest on
deposit.

17. Where any money is deposited by any person by way of security with the Undertakers for the payment to them of all moneys which may become due to them by such person in respect of any supply of gas, or of the purchase or hire of any meter, the Undertakers shall pay interest at the rate of five pounds per centum per annum on every sum of ten shillings deposited by 30 way of such security for every six months during which the same remains in their hands.

8 Vict. c. 16.
s. 140. incor-
porated.

18. Section one hundred and forty of the Companies Clauses Consolidation Act, 1845, shall be and is hereby incorporated with this Order; provided that, for the purpose of such incorporation, the expression "the Company" in the 35 said section shall be construed to mean "the Undertakers."

Saving of
existing con-
tracts.

19. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred before the passing of the Act confirming this Order with respect to the gasworks of or the supply of gas by the Undertakers. 40

Costs of Order.

20. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SCHEDULE.

A.D. 1880.

*Trowbridge
Gas.**Gas Lands.*

A piece of land in the parish of Trowbridge, in the county of Wilts, bounded on the north by a grassfield called "Ham Wood," belonging or reputed to belong to Edward Endymion Porter and occupied by James Huntley, also by allotment gardens belonging or reputed to belong to the above-named Edward Endymion Porter and occupied by James Huntley and others, on the east by a roadway leading to the said gardens, on the south by the public road leading from the town of Trowbridge to fields beyond the gas works, on the west by a grassfield called "Ham Wood," belonging or reputed to belong to the said Edward Endymion Porter, and now in the occupation of James Huntley.

BROADSTAIRS WATER.*Broadstairs
Water.**Order empowering the Broadstairs Waterworks Company to raise Additional Capital.*

- | | | |
|----|---|------------------------|
| 15 | 1. This Order may be cited as "The Broadstairs Water Order, 1880." | Short title. |
| | 2. The Broadstairs Waterworks Act, 1875 (in this Order referred to as "the "Act of 1875,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. | Construction of Order. |
| 20 | 3. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following ; (that is to say,) The distribution of the capital of the Company into shares ; The transfer or transmission of shares ; | Incorporation of Acts. |
| 25 | The borrowing of money by the Company on mortgage or bond ; The consolidation of the shares into stock ; The general meetings of the Company, and the exercise of the right of voting by the shareholders ; The making of dividends ; | |
| 30 | The giving of notices ; and The provision to be made for affording access to the special Act by all parties interested ; and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, are, except where expressly varied by this Order, incorporated with and form part of this Order. | |

A.D. 1880. For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

**Broadstairs
Water.
Undertakers.** 4. The Broadstairs Waterworks Company incorporated by the Act of 1875, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers." 5

Additional Capital.

Additional capital. 5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time— 10

1. Raise any further sums, not exceeding in the whole sixteen thousand pounds, by the issue of new ordinary or preference shares or stock, but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, nor shall any such share or any stock vest in the person or corporation accepting the same unless and 15 until the full nominal amount of any such share or stock shall have been paid in respect thereof; and
2. Borrow on mortgage, in respect of the additional capital of sixteen thousand pounds by this Order authorised to be raised by ordinary or preference shares or stock, any sums not exceeding in the whole four 20 thousand pounds; and the Undertakers may, as each sum of four thousand pounds of such additional capital has been issued and accepted, borrow on mortgage, in respect of each such sum of four thousand pounds, any sum or sums not exceeding in the whole one thousand pounds; but in no case shall any part of the said respective sums of one 25 thousand pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued, accepted, and paid up, and that such 30 capital was issued bona fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and upon production to such Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which 35 shall be sufficient evidence thereof.

**Receipt clause
in case of
person not
sui juris.**

8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

**Votes of
proprietors.**

9. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock shall, except as in this Order specially provided, be entitled to the same 45 dividends, and the same rights and privileges in all respects, and be subject to

the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

A.D. 1880.

10. All mortgages granted by the Undertakers under the authority of the Act of 1875 shall have priority over all mortgages granted under the authority 5 of this Order.

*Broadstairs
Water.*
Priority of
existing
mortgages.

11. The Undertakers may create and issue debenture stock instead of and to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank pari passu with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

Power to
create deben-
ture stock.

- 15 12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid of such capital as may be issued as preference capital.

Limits of divi-
dend on addi-
tional capital.

- 20 13. In case in any half year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital and additional capital of the Undertakers, a rateable deduction shall 25 be made in the dividend of each class.

Dividends on
different classes
of shares to be
paid rateably.

14. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

Limit of
interest on
moneys bor-
rowed.

- 30 15. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be 35 less than one-tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

Appointment
of a receiver.

16. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1875.

Application of
money..

- 40 17. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Costs of Order.

A.D. 1880.

EAST BLATCHINGTON AND SEAFORD WATER.

*East
Blatchington
and Seaford
Water.*

*Order authorising the construction of Waterworks and the supply
of Water in the parishes of East Blatchington and Bishopstone,
and the town and parish of Seaford, in the county of Sussex.*

Short title.

1. This Order may be cited as "The East Blatchington and Seaford Water Order, 1880."

Incorporation of Acts.

2. The provisions of the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

Interpretation.

3. The several words, terms, and expressions to which by the Acts incorporated with this Order and by the Gas and Water Works Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings:

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

In this Order—

The term "premises" shall mean and include any house, building, or land, in, to, or through which water is supplied under the authority of this Order:

The expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order:

Limits of Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of East Blatchington and Bishopstone, and the town and parish of Seaford, in the county of Sussex.

Undertakers.

Undertakers.

5. Robert Lambe, of East Blatchington, in the county of Sussex, his heirs, or assigns, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

30

Capital.

Capital.

6. The capital of the Undertakers for the purposes of the undertaking authorised by this Order shall not exceed ten thousand pounds, unless they be hereafter authorised to raise additional capital for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

Limit of borrowing powers.

7. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole two thousand five hundred pounds, and no higher rate of

nterest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers, and secured as aforesaid.

A.D. 1880.

*East
Blatchington
and Seaford
Water.*

Persons under
disability may
grant eas-
ements to
Undertakers.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Construction of Waterworks.

9. The Undertakers may, on the lands delineated on the deposited plans, while they are possessed of the same, make and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, the works herein-after described, with all needful tanks, pipes, culverts, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

Power to con-
struct water-
works and
supply water.

- 15 The works authorised by this Order are as follows :—
- 20 1. A well, pumping station, and reservoir near Bullock Hill Barn, in the parish of East Blatchington aforesaid.
 - 20 2. An aqueduct, conduit, or line of pipes, commencing at the said well and pumping station, and terminating in the road from East Blatchington to Seaford.

- 25 10. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Limits of
deviation.

- 30 11. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Period for
completion of
works.

- 40 12. If any difference arise between the Undertakers and any railway, canal, or other company whose land or works the Undertakers have power, under the authority of this Order, to cross for the purpose of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or as to the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Differences
with railway
and other
companies.

A.D. 1880.

*East
Blatchington
and Seaford
Water.*

Quality of
water:

Limits of
pressure.

Rates for
supply for
domestic
purposes.

Rates for
waterclosets,
baths, &c.

Quality of Water.

13. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

14. The water supplied by the Undertakers need not at any time be delivered at a greater height than can be reached by gravitation from the service reservoir or works authorised by this Order, nor need the water supplied by the undertakers be constantly laid on under pressure.

15. The Undertakers shall at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled, under the provisions of this Order, to demand a supply of water for domestic purposes (which shall include one watercloset) furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified; (that is to say,) 10

If the rackrent or (if not let at a rackrent) the annual value of the dwelling- 15 house or part of a dwelling-house does not amount to twenty pounds per annum, the rate of seven pounds and ten shillings per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period :

If such rackrent or (as the case may be) annual value amounts to twenty 20 pounds but does not amount to forty pounds per annum, the rate of seven pounds per centum per annum upon such rack rent or annual value as the case may be, and so in proportion for any shorter period :

If such rackrent or (as the case may be) annual value amounts to forty pounds but does not amount to sixty pounds per annum, the rate of six pounds 25 and ten shillings per centum per annum upon such rackrent or annual value, as the case may be, and so in proportion for any shorter period :

If such rackrent or (as the case may be) annual value amounts to or exceeds sixty pounds per annum, the rate of six pounds per centum per annum upon such rackrent or annual value, and so in proportion for any shorter 30 period.

Provided always, that the Undertakers shall not be compellable to afford a supply of water for domestic purposes to the owner or occupier of any dwelling-house or part of a dwelling-house at a rate less than eight shillings and eight pence per annum, and so in proportion for any shorter period. 35

16. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supply of water for 40 domestic purposes: Provided always, that the Undertakers shall not be required to supply, except upon terms to be agreed upon, any bath containing as usually filled for use a greater quantity of water than fifty gallons.

A.D. 1880.

East Blatchington and Seaford Water.

17. The Undertakers may from time to time supply any sanitary authority, person, or company with water for other than domestic purposes, and any such authority, person, or company beyond the limits of supply with water in bulk for any purpose, for such remuneration, and upon such terms and conditions as may be agreed upon between the Undertakers and such authority, person, or company; but, notwithstanding any such agreement, no such authority, person, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water within the limits of supply for domestic purposes under this Order.

10

18. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per centum of the price of the meter, such rent to be paid quarterly in advance, and to be recoverable in all respects with and as the water rate.

Supply of water by meter.

19. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall for the purposes aforesaid have access to and be at liberty to remove, test, inspect, and replace any such meter, or other instrument, at all reasonable times.

Undertakers to keep meters in repair.

20. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed, and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two Justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such Justices shall be final and binding on all parties.

Register of meters to be evidence.

21. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Order have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

Amendment of 10 & 11 Vict. c. 17. s. 44.

22. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

When several houses supplied by one pipe, each to pay.

A.D. 1880.

*East
Blatchington
and Seaford
Water.
Supply of
water to tene-
ments in a
row.*

23. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement unless the tenant or occupier be, in respect of the tenement so occupied by him, rated under this Order for a supply of water. 5

*Penalties.*Impurity of
water.

24. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved 10 that the defect in purity was occasioned by an unavoidable cause or accident.

Injuring
meters.

25. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured, any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained, and in any case in which any person 20 has wilfully, fraudulently, or by culpable negligence, injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until 25 the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the 30 custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

Mis-user where
supply to
several houses
is by a pipe
common to all.

26. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds. 35

*Miscellaneous.*Incoming
tenant not
liable to pay
arrears.

27. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the 40

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East Blatchington and Seaford Water.

Several names in one summons.

Warrant of distress to include costs.

arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.

28. Any summons or warrant issued for any of the purposes of this Order **5** may contain in the body thereof, or in the schedule thereto, several names and several sums.

29. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, **10** and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

30. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

15 31. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Liability to water rate not to disqualify Justices from acting.

Costs of Order.

GISBOROUGH WATER.

Gisborough Water.

Order conferring powers for the construction and maintenance of additional Waterworks within the township of Gisborough in the North Riding of the county of York, and for the raising of Additional Capital for such purposes.

1. This Order may be cited as "The Gisborough Water Order, 1880." **Short title.**
 2. The Gisborough Water Order, 1871 (in this Order referred to as "the **25** Order of 1871"), and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. **Construction of Order.**

Undertakers.

3. Thomas Chaloner, of Gisborough, in the North Riding of the county of **30** York, Esquire, Vice-Admiral in Her Majesty's Fleet, and his heirs or assigns, shall be the Undertakers for the purpose of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

4. Notwithstanding anything contained in the Order of 1871, the capital of **35** the Undertakers may, for the purposes of the Undertaking authorised by the Order of 1871 and by this Order, consist of the original capital of six thousand pounds authorised by the Order of 1871, and of further capital not exceed-

Additional capital.

A.D. 1880.

Gisborough
Water.Limits of
profits on addi-
tional capital.Limit of
borrowing
powers.Application of
money.Undertakers
may purchase
lands by agree-
ment.Person under
disability may
grant ease-
ments to Under-
takers.Power to con-
struct addi-
tional works.

ing seven thousand eight hundred pounds, which shall be deemed to be original capital, and of additional capital not exceeding three thousand two hundred pounds, and the original and additional capital of the Undertakers shall not for such purposes exceed seventeen thousand pounds unless any increase thereto be hereafter authorised by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

5. The Undertakers shall not in any year make any larger profits on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds of such capital actually expended.

6. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by the Order of 1871 and by this Order shall not at any time exceed in the whole four thousand two hundred and fifty pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers, and secured as aforesaid, 15 after the passing of the Act confirming this Order.

7. The additional capital by this Order authorised shall be applied in the first instance to the payment of any debts of the Undertakers in respect of the undertaking authorised by the Order of 1871 existing at the time of the passing of the Act confirming this Order, and in the repayment of 20 any moneys expended by the Undertakers beyond the amount of the capital authorised by the Order of 1871, in the construction or maintenance of any of the works by the Order of 1871 or this Order authorised to be constructed or maintained, and then to the purposes of the undertaking authorised by the Order of 1871 and this Order.

25

Additional Lands and Waterworks.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the plans deposited for the purposes of this Order as may be required for the undertaking authorised by this Order, and they may, by agreement, from time to time, purchase and use any other lands, and any easements, rights, 30 or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not hold, for the purposes of the Order of 1871 and of this Order, more than seventeen acres of land.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, 35 grant to the Undertakers any easement, right, or privilege, not being an easement of water in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

40

10. The Undertakers may, on the lands shown on the deposited plans while they are possessed of the same, make and maintain, in the line and according to the levels shown on the plans and sections deposited for the purposes of this Order, the works herein-after described, with all needful pipes, culverts, cuts,

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*Gisborough
Water:*

- drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may from time to time alter and enlarge the same, and they may from time to time, subject to the provisions of the Order of 1871, alter and enlarge the works authorised by the Order of 1871.
- 5 The works authorised by this Order are as follows :
- A storage reservoir of fifteen thousand one hundred and sixty superficial square yards or thereabouts in extent, already existing, situate wholly in the township and parish of Gisborough aforesaid, upon the Gisborough Moor, belonging to the said Thomas Chaloner, near a portion of the same moor known as High Intake, and which reservoir is wholly surrounded by other land belonging to the said Thomas Chaloner, and is formed by an embankment or dam across a stream, being a tributary of, and flowing in a north-easterly direction into, Wiley Cat Beck.
- 10 A conduit or line of pipes (No. 1), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of the northern end of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner and terminating near the foot of Justice Bank, at a point in the conduit or line of pipes authorised to be constructed by the Order of 1871, about one hundred and three yards from the point at which the occupation road leading from the Round Close Farm to South Waterfall enters the plantation known as Justice Bank.
- 15 A conduit or line of pipes (No. 2), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of a spring in Westworth Plantation, about two hundred and fifty-five yards west-north-west from the overflow weir of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner, and terminating by a junction with the line of pipes (No. 1) at a point near the north-eastern corner of a field upon the Round Close Farm, belonging to the said Thomas Chaloner, known as Corner Close.
- 20 A covered service reservoir, of two hundred and twenty-seven superficial square yards or thereabouts in extent, already existing, and to be enlarged to about four hundred and ninety superficial square yards, situate upon the said line of pipes (No. 2).
- 25 Filter beds of four hundred and fifty-four superficial square yards or thereabouts in extent, already existing, also situate upon the said line of pipes (No. 2) between the said covered service reservoir and the junction of the said line of pipes (No. 2) with the said line of pipes (No. 1).
- 30 A conduit or line of pipes (No. 3), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of a spring, on Gisborough Moor aforesaid, known as Bethel Slack Spring, about eight hundred and thirty-three yards south from the overflow weir of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner, and terminating by a junction with the line of pipes (No. 1) at the said point near the north-eastern corner of a field upon the Round Close Farm, belonging to the said Thomas Chaloner, known as Corner Close.
- 35 A conduit or line of pipes (No. 4), situate wholly in the township and parish of Gisborough aforesaid, commencing from and out of a spring, upon

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*Gisborough
Water.*Power to take
water by agree-
ment, and to
prevent pollu-
tion.

Gisborough Moor aforesaid, known as Williamson Spring, about seven hundred and thirty-three yards east from the overflow weir of the said existing storage reservoir, passing through the lands of the said Thomas Chaloner, and terminating by a junction with the line of pipes (No. 3) at a point about four hundred and seventeen yards east-north-east from 5 the overflow weir of the said existing storage reservoir.

Limits of
deviation.

11. The Undertakers may, by agreement but not otherwise, abstract and take, at the southern end of the said existing storage reservoir, a sufficient supply of water from the said stream or beck, being a tributary of, and flowing in a north-easterly direction into, Wiley Cat Beck, and may, by agreement 10 but not otherwise, abstract and take a sufficient supply of water from the said spring in Westworth Plantation aforesaid, from the said spring known as Bethel Slack Spring, and from the said spring known as Williamson Spring, and during the continuance of any such agreement in relation to any such stream, beck, or spring such stream, beck, or spring shall be deemed streams 15 belonging to the Undertakers within the meaning and for the purposes of section sixty-one of the Waterworks Clauses Act, 1847.

Time for com-
pletion of
works.

12. In constructing the works authorised by this Order, the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the 20 levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards.

Differences
with railway
and other
companies.

13. The works authorised by this Order shall be completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that subject to the 25 restrictions and provisions of this Order, the Undertakers may, from time to time, alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, filtering beds, and other works in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

Saving of rights
under Order of
1871.

14. If any difference arises between the Undertakers and any railway, canal, 30 or other company whose lands or works the Undertakers have power to cross under the authority of this Order for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for the same, the same shall be settled by an engineer, to be appointed by the 35 Board of Trade at the request of either party.

Costs of Order.

15. Nothing in this Order shall in any way prejudice or affect any of the rights, powers, or privileges of the Undertakers under the Order of 1871.

16. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation 40 thereto, shall be paid by the Undertakers.

A.D. 1880.

HARROGATE WATER.

Harrogate
Water.

Order defining and extending the limits of supply of the Harrogate Waterworks Company, and empowering them to raise Additional Capital, and to construct and maintain Additional Waterworks.

5

1. This Order may be cited as "The Harrogate Water Order, 1880." Short title.
2. The Harrogate Waterworks Act, 1846 (in this Order referred to as "the Act of 1846"), and the Harrogate Waterworks Act, 1869 (in this Order referred to as "the Act of 1869"), and this Order shall be construed together, Construction
of Order.
- 10 except so far as such construction would be inconsistent with or repugnant to the provisions of this Order.
3. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following; (that is to say,) Incorporation
of Acts.
- 15 The distribution of the capital of the Company into shares;
The transfer or transmission of shares;
The payment of subscriptions and the means of enforcing payment of calls;
The forfeiture of shares for nonpayment of calls;
- 20 The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
- 25 The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;
- 30 and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, the Companies Clauses Act, 1869, and the Waterworks Clauses Acts, 1847 and 1863, are, except where expressly varied by this Order, incorporated with and form part of this Order.
- 35 For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.
4. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order, and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same respective meanings: Interpretation.
- 40 Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the

A.D. 1880. expression is used were an ordinary simple contract debt, and not a debt or demand created by statute:

*Harrogate
Water.*

In this Order—

The terms "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order. 5

Undertakers.

5. The Harrogate Waterworks Company, incorporated by the Act of 1846, shall be the Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

*Limits of
supply.*

6. The limits within which the Undertakers may from time to time supply water under the authority of the Act of 1846 and of the Act of 1869 and 10 of this Order are hereby declared to be the extra-parochial place of Haverah Park, and the several townships of Pannal, Bilton-with-Harrogate, and Scriven-with-Tentergate, and so much of the township of Knaresborough as lies southwest of the River Nidd, all in the West Riding of the county of York, and the said limits are in this Order referred to as the limits of supply. 15

Additional Capital.

*Additional
capital.*

7. In addition to the capital already authorised to be raised by the Undertakers under the Act of 1846 and the Act of 1869, they may from time to time—

1. Raise any further sums not exceeding in the whole forty thousand pounds, 20 by the issue of new shares, either ordinary or preference, or partly ordinary and partly preference, but the Undertakers shall not issue any share under the authority of this Order of less nominal value than ten pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and 25

2. Borrow on mortgage, in respect of the additional capital of forty thousand pounds by this Order authorised to be raised, by ordinary or preference shares, any sums not exceeding in the whole ten thousand pounds; and the Undertakers may, as each sum of ten thousand pounds of such additional capital has been issued and accepted, borrow on mortgage, 30 in respect of each sum of ten thousand pounds, any sum or sums not exceeding in the whole two thousand five hundred pounds; but in no case shall any part of the said respective sums of two thousand five hundred pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies 35 Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital of ten thousand pounds in respect of which such borrowing powers are sought to be exercised have been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been 40 paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued and accepted bona fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or 45 assigns, are legally liable for the same; and upon production to such

Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

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*Harrogate
Water.*

8. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.

Shares not to be issued until one fifth part thereof paid up.

9. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and two months at least shall be 10 the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share, except upon shares forming part of the first sum of ten thousand pounds to be raised under the authority of this Order.

Calls.

10. If any money be payable to a shareholder being a minor, idiot, or lunatic, 15 the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

Receipt clause
in case of
persons not
sui juris.

11. The proprietors of any shares forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in 20 respect thereof as the nominal amount represented by such shares would have entitled them to if the same had been original shares of the Undertakers; and the proprietors of such new shares shall, except as in this Order specially provided, be entitled to the same dividends, and the same rights and privileges in all respects, and be subject to the same obligations and liabilities as the proprietors of the original shares of the Undertakers.

Votes of
proprietors.

12. The Undertakers may create and issue debenture stock instead of and to 25 the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but notwithstanding anything therein contained, the interest of all debenture stock created and issued by the 30 Undertakers under the authority of this Order shall rank pari passu with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

Power to
create deben-
ture stock.

13. Every mortgage and all debenture stock granted and issued by the 35 Undertakers under the authority of the Act of 1846 and the Act of 1869 respectively shall have priority over all mortgages and debenture stock granted and issued under the authority of this Order.

Priority of
existing
mortgages.

14. The Undertakers shall not in any year make out of their profits any 40 larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital.

Limits of
dividend on
additional
capital.

15. The Undertakers shall not, without the consent of the Board of Trade, 45 pay interest at a higher rate than five pounds per centum per annum in respect

Limit of
interest on
moneys bor-
rowed.

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*—
Harrogate
Water.*Appointment
of a receiver.Application
of money.Undertakers
may purchase
lands by
agreement.Persons under
disabilities may
grant eas-
ements, &c. to
Undertakers.Sale of super-
fluous lands.Power to con-
struct addi-
tional works.

of any moneys borrowed on mortgage or raised by the creation and issue of debenture stock under the authority of this Order.

16. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

17. All moneys raised under this Order shall be applied to the purposes of 10 the undertaking authorised by the Act of 1846 and the Act of 1869 and by this Order.

Lands.

18. The Undertakers may, by agreement, purchase and use such of the lands delineated on the deposited plans as may be required for the undertaking 15 authorised by this Order, and they may, by agreement, from time to time purchase and use any other lands, and any easements, rights, or privileges, in over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold more than five acres of land under the authority of this Order in addition to the lands delineated on 20 the deposited plans.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege (not being an easement of water) in, over, or affecting any such lands; and the provisions of 25 the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easements, rights, or privileges as aforesaid.

20. The Undertakers may sell and dispose of any lands, springs, and streams which are vested in them, or which they are authorised to purchase, or which 30 they may hereafter acquire, and which may not be required for the purposes of the undertaking authorised by this Order; and the Undertakers may also from time to time sell and dispose of any reservoirs, works, buildings, or erections on any lands belonging to them which shall not be required for such purposes.

Construction of additional Waterworks.

35

21. The Undertakers may, on the lands shown on the deposited plans, when the same have been acquired by them, make, complete, and maintain, in the lines and according to the levels shown on the deposited plans and deposited sections, the additional works herein-after described, with all proper engines, buildings, reservoirs, filter beds, sluices, weirs, aqueducts, conduits, pipes, drains, 40 meters, and other works, apparatus, and conveniences connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order are as follows:—

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—
Harrogate
Water.

- A reservoir, situate wholly in the extra-parochial place of Haverah Park, in the West Riding of the county of York, which reservoir has been partially constructed by means of an embankment placed across the brook or stream called Beaver Dyke, at a point two hundred and sixty yards or thereabouts in a westerly direction from the junction of that stream with the brook or stream called Scargill Beck, and extending on one side of Beaver Dyke for a distance of one hundred and ten yards or thereabouts in a southwardly direction, and on the other side of Beaver Dyke for a distance of eighty yards or thereabouts in a northwardly direction, and which said reservoir, will, when completed, extend up and along Beaver Dyke for a distance of one thousand one hundred and fifty yards or thereabouts from the said embankment.
- 5 A diversion of the footpath which crosses the said stream called Beaver Dyke, at or near the upper end of the said intended reservoir.
- 10 An aqueduct, conduit, or line of pipes, situate wholly in the said extra-parochial place of Haverah Park, commencing in the reservoir hereinbefore described at or near the point where the embankment thereof crosses Beaver Dyke aforesaid, and terminating by a junction with the existing main of the Undertakers from their ten-acre reservoir, at a point four hundred and fifty yards or thereabouts west of the farmhouse in the occupation of Roger Walker Barker, and three hundred and eighty yards or thereabouts north-east of the junction of Beaver Dyke and the stream which flows from the said ten-acre reservoir with the stream known as Oak Beck.
- 15 22. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or five feet downwards.
- 20 23. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always, that it shall not be necessary for the Undertakers within that time to make the embankment authorised by this Order of a greater height than twenty-six feet, and that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time raise the said embankment, and alter, enlarge, and extend their engines, machinery, tanks, wells, conduits, pipes, reservoirs, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.
- 25 24. If any difference arise between the Undertakers and any railway, canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or the facilities to be afforded for the same the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.
- 30 Time for completion of work.
- 35 Differences with railway and other companies.

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Miscellaneous.

*Harrogate
Water.
Half-yearly
meetings.*

Costs of Order.

25. The ordinary half-yearly meetings of the Undertakers may be held in the months of February and August, notwithstanding anything contained in the Act of 1846.

26. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers. 5

*Luton
Water.***LUTON WATER.***Order empowering the Luton Water Company to raise Additional Capital.* 10

Short title.

Construction of Order.

1. This Order may be cited as "The Luton Water Order, 1880."

2. The Luton Water Act, 1865, (in this Order referred to as "the Act of 1865,") and this Order shall be construed together, except so far as such construction would be inconsistent with or repugnant to the provisions of this Order. 15

Incorporation of Acts.

3. So far as the same relate to the powers conferred by this Order, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the several matters following; (that is to say,) 20

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions, and the means of enforcing payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond; 25

The consolidation of the shares into stock;

The general meetings of the Company, and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

and Part I. (relating to cancellation and surrender of shares), and Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, 35 are, except where expressly varied by the Order, incorporated with and form part of this Order.

For the purpose of such incorporation the term "special Act" in the said Acts shall be construed to mean this Order.

Undertakers.

4. The Luton Water Company incorporated by the Act of 1865 shall be the 40 Undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

Additional Capital.

A.D. 1880.

5. In addition to the capital already authorised to be raised by the Undertakers, they may from time to time—
1. Raise any further sums, not exceeding in the whole thirty thousand pounds, by the issue of new ordinary or preference shares, but the Undertakers shall not issue any share under the authority of this Order of less nominal value than five pounds, and not less than the full nominal amount of any such share shall be payable or paid in respect thereof; and
10. 2. Borrow on mortgage, in respect of the additional capital of thirty thousand pounds by this Order authorised to be raised by ordinary or preference shares, any sums not exceeding in the whole seven thousand five hundred pounds; and the Undertakers may, as each sum of seven thousand five hundred pounds of such additional capital has been issued and accepted, borrow on mortgage, in respect of each such sum of seven thousand five hundred pounds, any sum or sums not exceeding in the whole one thousand eight hundred and seventy-five pounds; but in no case shall any part of the said respective sums of one thousand eight hundred and seventy-five pounds be borrowed until the Undertakers have proved to the Justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital in respect of which such borrowing powers are sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued and accepted bona fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such Justice of the books of the Undertakers, and of such other evidence as he may think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.
15. 3. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.
20. 4. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.
25. 5. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.
30. 6. The Undertakers shall not issue any share under the authority of this Order, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth part of the amount of such share has been paid up in respect thereof.
35. 7. One fifth of the amount of a share issued under the authority of this Order shall be the greatest amount of a call, and three months at least shall be the interval between the successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.
40. 8. If any money be payable to a shareholder being a minor, idiot, or lunatic, the receipt therefor of the guardian or committee of his estate shall be a sufficient discharge to the Undertakers.

*Luton
Water.*Additional
capital.Shares not to
be issued until
one-fifth part
thereof paid up.Receipt clause
in case of
person not
sui juris.

A.D. 1880.

Luton
Water.
Votes of
proprietors.

Power to create
debenture
stock.

Priority of
existing
mortgages.

Limits of divi-
dend on addi-
tional capital.

Dividends on
different
classes of
shares to be
paid rateably.

Limit of
interest on
moneys bor-
rowed.

Appointment
of a receiver.

Application of
money.

9. The proprietors of any shares or stock forming part of the additional capital raised under the authority of this Order shall be entitled to such number of votes in respect thereof as the nominal amount represented by such shares or stock would have entitled them to if the same had been original shares or stock of the Undertakers; and the proprietors of such new shares or stock 5 shall, except as in this Order specially provided, be entitled to the same dividends and the same rights and privileges in all respects, and be subject to the same obligations and liabilities, as the proprietors of the original shares or stock of the Undertakers.

10. The Undertakers may create and issue debenture stock instead of and 10 to the same amount as the whole or any part of the money borrowed or authorised to be borrowed on mortgage by this Order, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock created and issued by the Undertakers under the authority of this Order shall rank pari passu 15 with the interest of all mortgages granted by the Undertakers under the authority of this Order, and shall have priority over all principal moneys secured by such mortgages.

11. All mortgages granted by the Undertakers under the authority of the Act of 1865 shall have priority over all mortgages granted under the authority 20 of this Order.

12. The Undertakers shall not in any year make out of their profits any larger dividend on the additional capital by this Order authorised than seven pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as ordinary capital, or six pounds in respect of every one 25 hundred pounds actually paid of such capital as may be issued as preference capital.

13. In case in any half year the net revenues of the Undertakers applicable to dividend are insufficient to pay the full amount of the prescribed maximum rate of dividend on each class of ordinary shares or stock in the capital and 30 additional capital of the Undertakers, a rateable deduction shall be made in the dividend of each class.

14. The Undertakers shall not, without the consent of the Board of Trade, pay interest at a higher rate than five pounds per centum per annum in respect of any moneys borrowed on mortgage or raised by the creation and issue of 35 debenture stock under the authority of this Order.

15. The mortgagees of the Undertakers under this Order may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing 40 to the mortgagees by whom the application for a receiver is made shall not be less than one tenth part of the total amount for the time being owing by the Undertakers on mortgage under the authority of this Order.

16. All moneys raised under this Order shall be applied to the purposes of the Undertaking authorised by the Act of 1865. 45

17. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

A.D. 1880.

*Luton
Water.*

Costs of Order.

NEWHAVEN AND DENTON WATER.

*Newhaven
and Denton
Water.*

- 5 *Order authorising the construction of Waterworks, and the supply of Water, in the parishes of Newhaven and Denton, in the county of Sussex.*

1. This Order may be cited as "The Newhaven and Denton Water Order, Short title. 1880."

- 10 2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Waterworks Clauses Acts, 1847 and 1863, are, except where the same are expressly varied by this Order, hereby incorporated with and form part of this Order.

- 15 3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Waterworks Facilities Act, 1870, meanings are assigned, have in this Order the same respective meanings :

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt, and not a debt or demand created by statute :

In this Order—

- 25 The term "premises" shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order :

The expression "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

- 30 4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be the parishes of Newhaven and Denton, in the county of Sussex.

*Limits of
Order.**Undertakers.*

- 35 5. The Right Honourable Henry North, Earl of Sheffield, and his heirs or assigns, shall be the undertakers for the purposes of this Order, and are in this Order referred to as "the Undertakers."

[176.]

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A.D. 1880.

Newhaven
and Denton
Water.

Capital.

Limit of bor-
rowing powers.Power to ac-
quire lands.Person under
disability may
grant ease-
ments to
Undertakers.Power to con-
struct water-
works and
supply water.*Capital.*

6. The capital of the Undertakers, for the purposes of the undertaking authorised by this Order, shall not exceed twenty thousand pounds, unless they be hereafter authorised to raise additional capital for such purposes by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by 5 Act of Parliament.

7. The amount of all moneys borrowed by the Undertakers, and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole five thousand pounds, and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers without 10 the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers, and secured as aforesaid.

8. The Undertakers may, by agreement, purchase and use such of the lands shown on the deposited plans as they may require for the purposes of the undertaking authorised by this Order, and they may, by agreement, from time 15 to time purchase and use any other lands, and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than five acres of land.

9. Persons empowered by the Lands Clauses Acts to sell and convey or 20 release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege, not being an easement of water in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, 25 or privileges as aforesaid.

Construction of Waterworks.

10. The Undertakers may, on the lands delineated on the deposited plans, when the same have been acquired by them, make and maintain in the lines and according to the levels shown on the deposited plans and deposited sections, 30 the works herein-after described, with all needful tanks, pipes, culverts, embankments, cuts, drains, sluices, engines, pumps, filtering beds, weirs, meters, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

The works authorised by this Order are situate in the parish of Newhaven, 35 in the county of Sussex, and are as follows:—

- (1.) A well and pumping station to be situated on certain lands belonging to the Right Honourable the Earl of Sheffield at a distance of about nine chains in a south-westerly direction from the south-west corner of the Newhaven Coastguard Station;
- (2.) A service reservoir to be situated on lands belonging to the Right Honourable the Earl of Sheffield at a point on the slope of the hill at a distance of about eight chains in a north-westerly direction from the well and pumping station before described;

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(3.) A main pipe commencing at the well and pumping station before described, and terminating at the service reservoir before described ; A.D. 1880.

(4.) A main pipe commencing in the said service reservoir, thence passing to the road leading from Newhaven past the Coastguard Station to

- 5 the Hope Inn, and thence along that road in a northerly direction, and along Prospect Place, North View Terrace, and Meeching Road, and terminating at the junction of the last-mentioned road with High Street, in the town of Newhaven.

11. In constructing the works authorised by this Order the Undertakers Limits of deviation.
10 may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards or seven feet downwards.

12. The works authorised by this Order shall be commenced, constructed, Period for completion of works.
15 and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870 : Provided always, that, subject to the restrictions and provisions of this Order, the Undertakers may from time to time alter, enlarge, and extend their engines, machinery, tanks, wells, pipes, reservoirs, and other works in such way and
20 manner as may be requisite or advisable for supplying water within the limits of supply.

13. If any difference arise between the Undertakers and any railway, Differences with railway and other companies.
canal, or other company whose land or works the Undertakers have power, under the authority of this Order, to cross for the purpose of meeting the
25 demands for water within the limits of supply, as to the mode of laying down, repairing, altering, or enlarging their pipes, or as to the facilities to be afforded for the same, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.

Quality of Water.

30 14. The water supplied by the Undertakers shall be as pure as, having Quality of water.
regard to the source and nature of supply, circumstances will admit.

Supply.

15. The water supplied by the Undertakers need not at any time be Limits of pressure.
delivered at a greater height than can be reached by gravitation from the
35 service reservoir or works authorised by this Order, nor need the water supplied by the Undertakers be constantly laid on under pressure.

16. The Undertakers shall, at the request of the owner or occupier of any dwelling-house, or part of a dwelling-house, entitled, under the provisions of this Order, to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply of water for such domestic purposes, at rates not exceeding the rates herein-after specified ; (that is to say,) Rates for supply for domestic purposes.

A.D. 1880.

Newhaven
and Denton
Water.

Where the net annual value of the premises so supplied with water according to the valuation or assessment list from time to time in force does not exceed five pounds, at a rate not exceeding twopence per week;

Where such net annual value is above five pounds, and does not exceed ten pounds per annum, at a rate not exceeding threepence per week; 5 .

Where such net annual value is above ten pounds and does not exceed twenty pounds per annum, at a rate per centum per annum not exceeding eight pounds;

Where such net annual value is above twenty pounds, at a rate per centum per annum not exceeding seven pounds: 10

Provided that all inns and hotels, whether public or private, the net annual value of which exceeds ten pounds, shall be liable to a yearly rate not exceeding eight pounds per centum per annum on the amount of such value, whether the same exceeds twenty pounds or not.

Rates for
waterclosets
and baths.

17. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding seven shillings and sixpence per annum, and for every bath an additional sum not exceeding ten shillings per annum, and such additional sums may be received with and as part of or recovered by the same means as the rate for the supply of water for domestic purposes: Provided always, that for baths containing, as usually filled for use, a greater quantity of water than fifty gallons, the Undertakers may charge an increased rate in proportion to the size of such baths; but the Undertakers shall not be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water. 25

Undertakers
to supply
water to road
and sewer
authorities.

18. The Undertakers shall, when required, supply the road authority within the meaning of section two of the Gas and Water Works Facilities Act, 1870, and every sewer authority within the limits of supply, with water for watering roads and streets, and for flushing sewers and drains, or other public purposes, at a rate not exceeding two shillings for every thousand gallons; but no such authority shall be entitled to such a supply whenever and so long as the Undertakers are of opinion that the same would interfere with the proper supply for domestic purposes. 30

Water supplied
by agreement.

19. The Undertakers may from time to time supply any person, corporation, or company within or without the limits of supply with water in bulk for other than domestic purposes, for such remuneration, and upon such terms and conditions, as may be agreed upon between the Undertakers and such person, corporation, or company; but notwithstanding any such agreement, no person, corporation, or company shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under this Order; and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing. 40

For supply of
vessels.

20. The Undertakers may, by agreement, supply with water ships or vessels resorting to the port of Newhaven, and, for the purpose of supplying such ships

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A.D. 1880.

*Newhaven
and Denton
Water.*

- or vessels with water, may from time to time lay down and erect such pipes and other works as they may think necessary in convenient stations upon or near to any of the piers, quays, or wharfs within the limits of supply, and may also for the like purpose from time to time vary and alter such pipes and other
- 5 works, and the Undertakers may charge such remuneration or rate of payment for the water supplied to any ships or vessels as they from time to time may think reasonable: Provided always, that no pipes or other works shall be laid or erected upon any such piers, quays, or wharfs unless with the previous consent of the owner or owners thereof, and of the persons having the control
- 10 and management of the same.

21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each meter provided by them at a rate per annum not exceeding fifteen per centum of the price of the meter, such rent to be paid quarterly in advance, and to be

Supply of
water by meter.

15 recoverable in all respects with and as the water rate.

22. The Undertakers shall at all times at their own expense keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing the consumer shall not be liable to pay rent

Undertakers
to keep meters
in repair.

20 for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter, or other instrument, at all reasonable times.

23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima-facie evidence of the quantity of water consumed, and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid; and the decision of such justices shall be final and binding on all parties.

Register of
meters to be
evidence.

24. Section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Order have effect as if the words "with the consent in

Amendment of
10 & 11 Vict.
c. 17. s. 44.

35 "writing of the owner or reputed owner of any such house, or of the agent of such owner," were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner.

40 25. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from

When several
houses supplied
by one pipe,
each to pay.

45 the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part

A.D. 1880. of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises.

*Newhaven
and Denton
Water.*

*Supply of water
to tenements
in a row.*

26. Where there are several tenements in a row, no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other such tenement, unless the tenant 5 or occupier be, in respect of the tenement so occupied by him, rated under this Order for a supply of water.

Penalties.

*Impurity of
water.*

27. If on any day the water supplied by the Undertakers is of less purity 10 than it ought to be according to the provisions of this Order, the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds: Provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.

*Injuring
meters.*

28. Every person who wilfully, fraudulently, or by culpable negligence injures, 15 or suffers to be injured, any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the 20 offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully, fraudulently, or by culpable negligence, injured or suffered to be 25 injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter, or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract 30 previously existing); and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers, when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be prima facie evidence that such 35 injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.

*Mis-user where
supply to
several houses
is by a pipe
common to all.*

29. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be 40 used contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Miscellaneous.

*Incoming
tenant not
liable to pay
arrears.*

30. In case any consumer of water supplied by the Undertakers leave the premises where such water has been supplied to him without paying to them 45

the water rate or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such 5 arrears.

A.D. 1880.
Newhaven
and Denton
Water.

31. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof, or in the schedule thereto, several names and several sums.

32. Any justice who issues a warrant of distress in pursuance of the provisions 10 of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money; and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

33. No justice or judge of any county court or quarter sessions shall be 15 disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order.

34. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

Warrant of
distress to
include costs.
Liability to
water rate not
to disqualify
justices from
acting.

Costs of Order.

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NORWOOD (MIDDLESEX) WATER.

Norwood
(Middlesex)
Water.

Order empowering the Norwood (Middlesex) Waterworks Company (Limited) to supply water within the parishes of East Bedfont, Feltham, Hanworth, and Cranford, in the county of Middlesex, and to raise additional capital.

25 1. This Order may be cited as "The Norwood (Middlesex) Water Order, Short title. 1880."

2. The Norwood (Middlesex) Water Order, 1878 (in this Order referred to as "the Order of 1878"), and this Order, shall be construed together as one Order, except so far as such construction would be inconsistent with or 30 repugnant to the provisions of this Order.

3. The Waterworks Clauses Acts, 1847 and 1863, are, except where expressly varied by this Order, incorporated with and form part of this Order.

For the purpose of such incorporation the term "Special Act" in the said Acts shall be construed to mean this Order.

35 4. The Norwood (Middlesex) Waterworks Company (Limited), referred to as the "Undertakers" in the Order of 1878, shall be the Undertakers for the purposes of this Order (and are herein-after referred to as "the Undertakers"), and shall have and may exercise within the parishes of East Bedfont, Feltham, Hanworth, and Cranford, in the county of Middlesex, all and the like powers, 40 privileges, and authorities for the supply of water, and be subject to all and the

Undertakers
to exercise
powers within
extended
limits.

A.D. 1880. like duties, liabilities, and obligations in respect thereof, as they now have and are subject to within the limits of supply as defined by the Order of 1878; and the expression "limits of supply" in the Order of 1878, or in this Order, shall, except as herein-after provided, from and after the passing of the Act confirming this Order, be deemed to include the precinct or parish of Norwood 5 and also the above-named parishes: Provided always, that although the Undertakers may carry their water mains and pipes through the said parish of Cranford for the purpose of conveying water to the other parishes situated to the southward thereof, yet they shall not (except as aforesaid) exercise the powers conferred nor be under the obligations imposed upon them by this Order 10 with respect to the supply of water to the inhabitants of the parish of Cranford unless and until they are required to furnish such supply by the local authority.

For protection
of Grand
Junction
Canal.

5. Notwithstanding anything in this Order, it shall not be lawful for the Undertakers, without the previous consent in writing of the Company of Proprietors of the Grand Junction Canal (in this Order referred to as "the Canal Company"), to lay or maintain any mains or pipes across, over, under, or along, or otherwise to interfere with, the Grand Junction Canal or the towing-path thereof, or other property of the Canal Company, otherwise than by means of any bridge across the same dedicated to the use of the public, and in such 20 manner only as that such mains and pipes shall, unless otherwise agreed by the Undertakers and the Canal Company, be laid inside the parapets of such bridge, and shall not interfere with the permanent structure or brickwork or timbers of such bridge; and it shall be lawful for the Canal Company, at any time after giving to the Undertakers three months' notice of their intention 25 to remove, alter, or renew any such bridge over or along which any of the mains or pipes of the Undertakers are at the time laid or carried, to remove, alter, or renew such bridge in the same manner as they might have removed, altered, or renewed the same if this Order had not been granted and such mains or pipes had not been laid or carried over or along the same, without 30 making any compensation to the Undertakers for any expense or loss to which the Undertakers may be subjected in consequence of such renewal, alteration, or removal; and in the event of any such bridge over or along which any of the mains or pipes of the Undertakers are laid or carried being altered or renewed as aforesaid, the Undertakers shall at their own expense alter the position of such 35 mains or pipes, and replace or relay the same in such manner only as that such mains and pipes shall, unless otherwise agreed by the Undertakers and the Canal Company, be laid inside the parapets of such new or altered bridge, and shall not interfere with the permanent structure or brickwork or timbers of such bridge: Provided always, that all the operations of the Canal Company in the 40 removal, alteration, or renewal of any such bridge shall be executed without unnecessary delay, and that the Canal Company shall afford to the Undertakers, at the expense of the Undertakers, all reasonable facilities (consistent with keeping the canal open for public traffic) for preventing any interruption of the supply of water for domestic consumption through the pipes of the 45 Undertakers during any of the said operations: Provided further, that the Undertakers shall acquire only such an easement in and upon any such bridge

belonging to the Canal Company as may be necessary for laying and maintaining their mains and pipes in the manner and subject to the conditions aforesaid.

In laying down any mains or pipes, or in executing any works under or in exercise of the powers conferred by this Order, across or in any way affecting the canal, lands, or property wholly or partly belonging to the Canal Company, or any of the bridges or other works of the said Company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the said Company, and according to plans to be submitted to and approved of by him before any such works are commenced; and such works shall be executed by and in all things at the expense of the Undertakers, and so as to cause no permanent injury to the said canal, bridges, works, lands, or property, or interruption to the passage or conduct of the traffic over the said canal or the towing-path or wharves thereof; and if any injury arise to the said canal, bridges, works, lands, or property, or interruption to such traffic, the Undertakers shall make full compensation to the said Company in respect of the injury or interruption.

6. The Undertakers shall not acquire any ownership of or in any bridge which the inhabitants of the county of Middlesex are by law bound to maintain or repair, but the Undertakers may acquire an easement for making, maintaining, and using the works by this Order authorised over or upon any such bridge, nor shall the Undertakers execute or commence any work or works upon, under, or affecting any such bridge or the approaches thereto unless and until they have first delivered to the surveyor appointed by the justices of the peace for the said county, and for the time being having charge of such bridges, plans, drawings, and specifications of the works intended to be executed upon, under, or affecting such bridges or the approaches thereto, nor until the same plans, drawings, and specifications have been examined and approved of by the said surveyor, by writing under his hand: Provided always, that if the said surveyor fail to approve of the works for one calendar month after the plans, drawings, and specifications thereof have been delivered to him, then the Undertakers shall not execute nor commence any such works as aforesaid unless and until plans, drawings, and specifications thereof have been examined and approved by an engineer to be appointed by the Board of Trade on the application of the said justices or the said surveyor or the Undertakers.

The Undertakers shall execute all such works aforesaid at their sole expense, and shall at the like expense subsequently maintain the same, and all works which they are authorised to execute in, upon, or over any such bridge which the inhabitants of the county of Middlesex are by law bound to maintain or repair in good, substantial, and water-tight condition, and repair to the reasonable satisfaction of the said surveyor; and the Undertakers shall, within fourteen days after demand, pay to the said justices all costs and expenses incurred by them by reason or in consequence of the execution or of the failure of any of the works of the Undertakers under this Order, or of the non-performance by them of any of their obligations under the preceding provisions of this Order: Provided always, that nothing in this Order contained shall be

A.D. 1880.

*Norwood
(Middlesex)
Water.*

For protection
of Middlesex
county bridges.

A.D. 1880. held to create or imply any obligation upon the said justices to maintain or to keep any such bridge or the approaches thereto in repair, nor to render the said justices or the inhabitants of the said county in any way responsible or liable to the Undertakers for or in respect of any damage or injury which may result to their works, or any of them, by reason of any want of repair to any 5 such bridge or to the approaches thereto, or by reason of the failure or neglect on the part of the said justices, or of the inhabitants of the said county, to maintain any such bridge or the approaches thereto or any or either of them.

**Norwood
(Middlesex)
Water.** For protection of London and South-Western Railway Company 10 (in this Order called "the South-Western Company") the provisions following shall have full effect :

In laying or in effecting the repairs or renewals of any mains or pipes, or in executing any other works in exercise of the powers conferred by the Order of 1878, or by this Order, under, over, or upon, or in any way affecting, any 15 railway, land, works, or other property of the South-Western Company, the same shall be done under the superintendence and to the reasonable satisfaction of their chief resident engineer for the time being, and according to such plans, sections, and specifications, and at such times, as shall previously be submitted to and approved by him, and shall be executed by and in all things at the 20 expense of the Undertakers, and so as not to cause any injury or damage to any railway works or other property of the South-Western Company, or any interruption to the passage or conduct of traffic over any railway or at any station of the South-Western Company; and if any such injury, damage, or interruption arise, the Undertakers shall forthwith make full compensation to 25 the South-Western Company in respect thereof.

The South-Western Company, if and when they think fit, may execute for and at the expense of the Undertakers all or any part of any works to be executed under, over, or upon, or within twenty feet from any railway, land, works, or other property of the South-Western Company. 30

All mains, pipes, and other works of the Undertakers under, over, or upon, or in any way affecting, any railway, land, works, or other property of the South-Western Company shall at all times be maintained in good repair and condition by the Undertakers, and, in default of their not being so maintained, the South-Western Company, if and when they think fit, may without notice 35 repair the same, and all expenses incurred by them in or about such repairs shall forthwith be repaid to them by the Undertakers, and, if not repaid on demand, may be recovered from the Undertakers in any court of competent jurisdiction.

Power to acquire additional lands.

8. The Undertakers may, by agreement, from time to time purchase and use 40 any additional lands, and any easements, rights, or privileges in, over, or affecting any lands, which they may require for the purposes of this Order: Provided always, that they shall not at any time hold more than ten acres of land in addition to any land which they may hold under the authority of the Order of 1878. 45

Persons under disability may grant easements, &c. to Undertakers.

9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts,

A.D. 1880.

*Norwood
(Middlesex)
Water.*

- grant to the Undertakers any easement, right, or privilege in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rent-charges, so far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.
- 5 10. Except as is by this Order otherwise provided, if any difference arise between the Undertakers and any railway, canal, or other company, trustees, or commissioners whose land or works the Undertakers have power to cross or otherwise interfere with for the purpose of meeting the demands for water within the limits of supply, or as to the mode of laying down, repairing, altering, or enlarging their conduits or pipes, or the facilities to be afforded for such purposes, the same shall be settled by an engineer to be appointed by the Board of Trade at the request of either party.
- As to pipes crossing the works of a railway or other company or body.
- 10 11. The limitation prescribed by the Order of 1878 with respect to the amount of the share capital of the Undertakers shall not prevent the Undertakers from raising further share capital for the purposes of the undertaking authorised by the said Order and by this Order: Provided that the share capital of the Undertakers for the said purposes shall not exceed thirty-six thousand pounds, unless the Undertakers are hereafter authorised to raise further additional share capital by Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.
- Capital.
- 15 12. The amount of all moneys borrowed by the Undertakers, and secured by the mortgage of the undertaking authorised by the Order of 1878 and by this Order (including the amount which may be borrowed under the authority of the Order of 1878), shall not at any time exceed, in the whole, nine thousand pounds; and no higher rate of interest than five pounds per centum per annum shall be paid by the Undertakers, without the consent of the Board of Trade, in respect of any moneys borrowed by the Undertakers and secured as aforesaid, after the passing of the Act confirming this Order.
- Limit of borrowing power.
- 20 13. All moneys raised by the Undertakers under the authority of this Order shall be applied to the purposes of the undertaking authorised by the Order of 1878 and by this Order.
- Application of money.
- 25 14. Nothing in this Order contained shall alter, vary, or affect any contract or agreement duly made or any liability incurred by the Undertakers before the passing of the Act confirming this Order.
- Saving existing contracts.
- 30 15. Nothing contained in this Order shall in any way prejudice or affect any of the rights, powers, or privileges of the Undertakers under the Order of 1878.
- Saving rights under Order of 1878.
- 35 16. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.
- Cost of Order.

A.D. 1880.

*Pwllheli
Water.*

PWLLHELI WATER.

Order authorising the maintenance and continuance of Waterworks, the construction of additional Waterworks, and the supply of Water in the several parishes and places of Llangybi, Abererch, and Denio, and in the borough of Pwllheli, in the 5 county of Carnarvon.

Short title.

Incorporation
of Acts

1. This Order may be cited as "The Pwllheli Water Order, 1880."

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the Promoters of the undertaking) and the 10 Waterworks Clauses Acts, 1847 and 1863, are hereby incorporated with this Order, except where the same are expressly varied by this Order, and the said provisions of the last-mentioned Acts shall apply as well to the pipes and works of the Undertakers laid down or constructed before the passing of the Act confirming this Order, and situate within the limits of supply as defined 15 by this Order, as to any pipes or works which may be laid down or constructed under the authority of this Order.

Interpretation.

3. The several words, terms, and expressions to which by the Acts in whole or in part incorporated with this Order and by the Gas and Water Works Facilities Act, 1870, meanings are assigned have in this Order the same 20 respective meanings:

Provided always, that the expression "superior court" or "court of competent jurisdiction" in any Act wholly or partially incorporated with this Order shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt 25 or demand created by statute:

In this Order—

The expression "premises" shall mean and include any house, building, or land in, to, or through which water is supplied under the authority of this Order:

The expressions "deposited plans" and "deposited sections" shall mean respectively the plans and sections deposited for the purposes of this Order.

Limits of
Order.

4. The limits within which the provisions of this Order shall be in force and have effect (in this Order referred to as "the limits of supply") shall be 35 the several parishes and places of Llangybi, Abererch, and Denio, and the borough of Pwllheli, in the county of Carnarvon.

Undertakers.

Undertakers.

5. Arthur Edward Pownall, of Chorlton-cum-Hardy, near the city of Manchester, his heirs or assigns, shall be the Undertakers for the purposes of 40 this Order, and are in this Order referred to as "the Undertakers."

Capital.

A.D. 1880.

6. The capital of the Undertakers, for the purposes of the undertaking authorised by this Order, shall not exceed eight thousand pounds, unless the Undertakers are authorised to raise additional capital for such purposes by
5 Provisional Order under the Gas and Water Works Facilities Act, 1870, or by Act of Parliament.

*Pwllheli
Water.
Capital.*

7. The amount of all moneys borrowed by the Undertakers and secured by mortgage of the undertaking authorised by this Order, shall not at any time exceed in the whole two thousand pounds, and no higher rate of interest
10 than five pounds per centum per annum shall be paid by the Undertakers without the consent of the Board of Trade in respect of any moneys borrowed by the Undertakers and secured as aforesaid.

*Limit of
borrowing
powers.*

8. The Undertakers may by agreement purchase and use such of the lands shown on the deposited plans as they may require for the purposes of the
15 undertaking authorised by this Order, and they may by agreement from time to time purchase and use any other lands and any easements, rights, or privileges in, over, or affecting any lands which they may require for such purposes: Provided always, that they shall not at any time hold for such purposes more than five acres of land.

*Power to
acquire land.*

- 20** 9. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may, if they think fit, subject to the provisions of the said Acts, grant to the Undertakers any easement, right, or privilege (not being an easement of water) in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

*Persons under
disability may
grant ease-
ments, &c. to
Undertakers.*

Waterworks.

10. The Undertakers, on the lands upon which the same are situate, so long as they are possessed of the said lands, may from time to time, as they
30 think fit, maintain, continue, and use their existing waterworks and works connected therewith, and may, on the lands shown on the deposited plans, when the same have been acquired by them under the authority of this Order, make and maintain, in the line and according to the levels shown on the deposited plans and deposited sections, the additional works hereinafter described, with
35 all needful goits, conduits, or pipes, dams, weirs, sluices, valves, air valves, hydrants, walls, fences, and other works connected therewith, and they may, subject to the provisions of this Order, supply and sell water within the limits of supply.

*Power to main-
tain existing
works and to
construct addi-
tional works.*

The works authorised by this Order are as follows:—

- 40** An aqueduct, conduit, or line of pipes, in the parish of Llangybi and county of Carnarvon, commencing in a spring situate in a field called or known as Ffynon, numbered 1176 on the tithe commutation map of the said parish, and belonging or reputed to belong to the Reverend John Williams Ellis, and in the occupation of Margaret Jones, widow, and terminating in the

A.D. 1880.

Pwllheli
Water.Limits of
deviation.Power to
divert and im-
pound water.Period for
completion of
works.As to pipes,
&c. crossing
the works of
railway or other
company.Quality of
water.Limits of
pressure.Rates for
supply for
domestic
purposes.

existing reservoir of the Undertakers situate at Mur-y-Cwymp in the parish of Llangybi aforesaid.

11. In constructing the works authorised by this Order the Undertakers may deviate laterally to any extent within the limits of lateral deviation shown on the deposited plans, and the Undertakers may deviate vertically from the 5 levels shown on the deposited sections to any extent not exceeding three feet upwards or seven feet downwards, but this section shall not extend to any works or land purchased by the Undertakers.

12. The Undertakers may by agreement, but not otherwise, take, divert, collect, and impound in their reservoirs the waters of the lake or goit called 10 Glasfryn-faur-Lake, situate at Mur-y-Cwymp in the said parish of Llangybi, and the springs, brooks, and streams flowing into the same, and the springs or streams in land numbered 1,176 on the tithe commutation map in the said parish of Llangybi, and any other streams and waters found in the land shown on the deposited plans or which may or can be diverted by the works by this Order 15 authorised.

13. The works authorised by this Order shall be commenced, constructed, and completed within the time and subject to the conditions prescribed by section eleven of the Gas and Water Works Facilities Act, 1870: Provided always that, subject to the restrictions and provisions of this Order, the Undertakers 20 may from time to time alter, enlarge, and extend their goits, conduits, or pipes, dams, weirs, sluice valves, air valves, hydrants, walls, fences, and other works, in such way and manner as may be requisite or advisable for supplying water within the limits of supply.

14. If any difference arises between the Undertakers and any railway, 25 canal, or other company whose lands or works the Undertakers have power to cross, under the authority of this Order, for the purposes of meeting the demands for water within the limits of supply as to the mode of laying down, repairing, altering, or enlarging their pipes or conduits, or the facilities to be afforded for the same, such difference shall be settled by an engineer to be 30 appointed by the Board of Trade at the request of either party.

Quality of Water.

15. The water supplied by the Undertakers shall be as pure as, having regard to the source and nature of supply, circumstances will admit.

Supply.

35

16. The water supplied by the Undertakers need not at any time be delivered at a height greater than can be reached by gravitation from the reservoir or works authorised to be maintained under this Order, nor need the water supplied by the Undertakers be constantly laid on under pressure.

17. The Undertakers shall, at the request of the owner or occupier of any 40 dwelling-house, or part of a dwelling-house, entitled under the provisions of this Order to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier a sufficient supply

A.D. 1880.

of water for such domestic purposes, at rates not exceeding the rates herein-after specified ; (that is to say,) _____

8. Eight pounds per centum per annum upon the annual rackrent, or, if not let at an annual rackrent, upon the annual value of the dwelling-house or part of the dwelling-house, supplied, and so in proportion for any shorter period than a year ; provided that the Undertakers shall not be obliged to furnish any such supply for any less rate than twopence per week.

18. The Undertakers may charge in respect of every watercloset beyond the first in any premises within the limits of supply an additional sum not exceeding ten shillings per annum, and for every bath an additional sum not exceeding twelve shillings and sixpence per annum, and such additional sums may be received with, and as part of, or recovered by the same means as the rate for the supply of water for domestic purposes : Provided always, that for baths containing, as usually filled for use, a greater quantity of water than

15 twenty gallons the Undertakers may charge an increased rate in proportion to the size of such baths, and the Undertakers shall not be compelled to supply water for any bath so constructed as to contain, when filled for use, more than fifty gallons of water.

19. The Undertakers shall, when required, supply the road authority within 20 the meaning of section two of the Gas and Waterworks Facilities Act, 1870, and every sewer authority within the limits of supply with water for watering roads and streets, and for flushing sewers and drains or other public purposes, at a rate not exceeding one shilling for every thousand gallons ; but no such authority shall be entitled to such a supply whenever and so long as the 25 Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order.

20. The Undertakers may, from time to time, supply any local board, sanitary authority, corporation, company, body, or person, within or without the limits of supply, with water in bulk for other than domestic purposes for 30 such remuneration and upon such terms and conditions as may be agreed upon between the Undertakers and such local board, sanitary authority, corporation, company, body, or person ; but notwithstanding any such agreement no such local board, sanitary authority, corporation, company, body, or person shall be entitled to such a supply whenever and as long as the Undertakers are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of this Order, and every such agreement shall be, by virtue of this Order, determinable by the Undertakers on one month's notice in writing : Provided always, that nothing herein contained shall authorise the Undertakers to lay down or place any pipe or 35 conduit, or to break up any road or street, or execute any work beyond the limits of supply, or to supply or to continue to supply water within the limits of supply of any local board or sanitary authority, corporation, company, body, or person now or hereafter empowered by Act of Parliament, or by any Provisional Order confirmed by Act of Parliament, to supply water.

45 21. The Undertakers may, if they think fit, enter into agreements for the supply of water by measure to any consumer, and may charge a rent for each

*Pwllheli
Water.*

Rates for
waterclosets
and baths.

Undertakers to
supply water
to road and
sewer autho-
rities.

Water supplied
by agreement.

Supply of
water by meter.

A.D. 1880.*Pwllheli
Water.**Undertakers to
keep meters in
repair.**Register of
meters to be
evidence.**Amendment of
10 & 11 Vict.
c. 17. s. 44.**When several
houses supplied
by one pipe
each to pay.**Supply of water
to tenements in
a row.**Impurity of
water.*

meter provided by them at a rate per annum not exceeding fifteen per centum of the price of the meter, such rent to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

22. The Undertakers shall at all times, at their own expense, keep all meters or other instruments for measuring water let by them for hire to any consumer in proper order for correctly registering the supply of water, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter or other instrument at all reasonable times. 10
5

23. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed such difference shall be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of such justices shall be final and binding on all parties. 15

24. Section forty-four of the Waterworks Clauses Act, 1847, shall, for the purpose of this Order, have effect as if the words "with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner" were omitted therefrom: Provided always, that any rent paid by an occupier in pursuance of the provisions of the said section may be deducted by such occupier from any rent from time to time due by him to such owner. 20
25

25. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Undertakers by a distinct pipe: Provided always, that the Undertakers shall not be compelled to supply water to the occupier of any part of a dwelling-house unless the water rate is paid for the whole of such dwelling-house and premises. 30

26. Where there are several tenements in a row no tenant or occupier of any one of the tenements, nor any person on his behalf, shall take or use the water laid on by the Undertakers to any other of such tenements unless the tenant or occupier be in respect of the tenement so occupied by him rated under this Order for a supply of water. 35

*Penalties.*40

27. If on any day the water supplied by the Undertakers is of less purity than it ought to be according to the provisions of this Order the Undertakers shall in every such case be liable to a penalty not exceeding ten pounds,

A.D. 1880.

*Pwllheli
Water.*Injuring
meters.

- provided that no penalty shall be incurred in any case in which it is proved that the defect in purity was occasioned by an unavoidable cause or accident.
28. Every person who wilfully, fraudulently, or by culpable negligence injures, or suffers to be injured any pipe, meter, or fittings belonging to the Undertakers, or who fraudulently alters the Index to any meter or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts, consumes, or uses water of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender), for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may, in addition thereto, recover the amount of any damage by them sustained, and in any case in which any person has wilfully, fraudulently, or by culpable negligence injured or suffered to be injured any pipe, meter, or fittings belonging to the Undertakers, or has fraudulently altered the index to any meter or prevented any meter from duly registering the quantity of water supplied, or has fraudulently abstracted, consumed, or used water of the Undertakers, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of water to the person so offending (notwithstanding any contract previously existing), and the existence of artificial means for causing such injury, alteration, or prevention, or for abstracting, consuming, or using water of the Undertakers when such pipe, meter, or fittings is or are under the custody or control of the consumer, shall be *prima facie* evidence that such injury, alteration, prevention, abstraction, consumption, or user, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter.
29. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Undertakers to any other such house or tenement, or allows the same to be used, contrary to the provisions of this Order, shall for every such offence be liable to a penalty not exceeding five pounds.

Misuser where supply to several houses is by a pipe common to all.

Miscellaneous.

30. In case any consumer of water supplied by the Undertakers leaves the premises where such water has been supplied to him without paying to them the water rate or meter rent due from him the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears.
31. Any summons or warrant issued for any of the purposes of this Order may contain in the body thereof, or in the schedule thereto, several names and several sums.
32. Any justice who issues a warrant of distress in pursuance of the provisions of this Order may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay

Incoming tenant not liable to pay arrears

Several names in one summons.

Warrant of distress to include costs.

A.D. 1880.

such money, and such costs shall be ascertained by the justice and shall be included in the warrant of distress for the recovery of such money.

*Pwllheli
Water.*

**Liability to
water rate not
to disqualify
justices from
voting.**

Costs of Order.

33. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Order by reason of his being liable to the payment of any water rate or other charge under this Order. 5

34. All the costs, charges, and expenses of and incidental to the applying for, preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the Undertakers.

SESS. 2.

Gas and Water Orders Confirmation.

A

B I L L

For confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Chew Magna Gas, Garstang Gas, Halstead Gas, Harrogate Gas, Holywell Gas, Long Eaton Gas, Trowbridge Gas, Broadstairs Water, East Blatchington and Seaford Water, Gisborough Water, Harrogate Water, Luton Water, Newhaven and Denton Water, Norwood (Middlesex) Water, and Pwllheli Water.

*(Prepared and brought in by
Mr. Ashley and Mr. Chamberlain.)*

*Ordered, by The House of Commons, to be Printed,
24 May 1880.*

[Bill 176.]

Under 10 oz.

A

B I L L

TO

Confirm a Provisional Order under the General Police and A.D. 1880.
Improvement (Scotland) Act, 1862, relating to the Burgh
of Broughty Ferry.

WHEREAS the Secretary of State for the Home Department,
being one of Her Majesty's Principal Secretaries of State,
has under the provisions of the General Police and Improvement
(Scotland) Act, 1862, duly made the Provisional Order which is
5 contained in the schedule to this Act annexed; and it is provided
by the said Act that no such Order shall be of any validity unless
the same has been confirmed by Act of Parliament, and it is
expedient that the said Order should be so confirmed:

Be it enacted by the Queen's most Excellent Majesty, by and
10 with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows:

1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed, and all the provisions
15 thereof shall, *from and after the passing of this Act*, be as valid
and have the like force and effect as if the same were specially
enacted in this Act.

2. This Act may be cited as the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Broughty Ferry)
20 Act, 1880.

Confirmation
of Provi-
sional Order.

[Bill 83.]

A.D. 1880.

S C H E D U L E.

General Police and Improvement (Scotland) Act, 1862.

(25 & 26 Vict. cap. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, provided (section 79) that whenever it appears desirable to the 5 magistrates and council, or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of that Act in whole or part, or for the future application and execution of any Act in force therein, having relation to the purposes of that 10 Act, or to the roads or streets within that burgh, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts, or any exemptions from rating therefrom derived, should be wholly or partially repealed or altered, the magistrates and council, or the commissioners of such burgh, may present a 15 petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal, and alteration as aforesaid, or for any of such things; and that after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a Provisional Order under his hand and seal of office, in relation to the several things mentioned in such petition, either in 20 accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite, and to obtain confirmation of such Provisional Order by Act of Parliament:

And whereas the General Police and Improvement (Scotland) Act, 1862, has, in pursuance of that Act, been adopted in whole within the burgh of 25 Broughty Ferry:

And whereas by the Broughty Ferry Commissioners Gas Act, 1870, the supply of gas to the burgh of Broughty Ferry and the suburbs thereof was vested in the commissioners of police of the burgh, and the property, powers, rights, and privileges of the Broughty Ferry Gaslight Company were transferred to and vested in the said commissioners, who were authorised to maintain, improve, or alter the gasworks thereby transferred to and vested in them, and to erect new works, and to manufacture gas, and to supply gas for the purpose of lighting the streets and public places within the burgh of Broughty Ferry, and to supply gas to the inhabitants houses, buildings, works, and premises 30 within the limits of the Act, and to do all such acts as the commissioners should consider necessary for these purposes, and to purchase land, and to exercise all other powers necessary for carrying out the purposes of that Act; and the said commissioners were by the same Act empowered to borrow, for the purpose of carrying the purposes thereof into execution, any money not 35 exceeding the sum of eight thousand pounds, on the security of the undertaking thereby vested in them and of the works and property to be constructed and 40

A.D. 1880.

acquired, and also of the several rates and charges leviable by them under the provisions of the said Act, in security of the payment of the money so borrowed and interest thereon, and the said Act directed that the said commissioners should "after the expiration of one year from the passing of the said Act, set 5 " apart as a sinking fund a sum of not less than one hundred pounds per annum, and such sinking fund should from time to time be applicable to the redemption of mortgages and annuities, and to no other purpose, and should be lodged in any of the banks of Scotland incorporated by Act of Parliament or Royal Charter, or invested in Government securities, or lent out at 10 " interest in the name of the Broughty Ferry Gas Commissioners, and at the discretion of the commissioners, until the same should be applied to the purposes before specified."

And whereas the commissioners of the said burgh have presented a petition to me; as one of Her Majesty's Principal Secretaries of State, setting forth the 15 said Acts, and that since the passing of the Broughty Ferry Commissioners Gas Act, 1870, they have maintained and managed the gasworks, and from time to time improved and extended the same, and have supplied the town and suburbs of Broughty Ferry with gas: That the demand for gas in the said burgh and suburbs has increased, and is steadily increasing, and that the said 20 commissioners are now under the necessity, in order to meet the demand for gas and to continue the effective lighting of the burgh, to expend a further sum of about six thousand pounds in extending and enlarging their gasworks, but that their borrowing powers under the said Gas Act are exhausted, and they have no money wherewith to defray the cost thereof:

25 And whereas it has been represented to me in the said petition that it is expedient the said commissioners should be authorised to borrow such additional sum of money upon the security of the undertaking, and works and property, and rates and charges, and revenues herein-before mentioned, and that with these objects the said Broughty Ferry Commissioners Gas Act, 1870, 30 should be altered:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to issue a Provisional Order in the terms herein-after expressed.

Now, therefore, in pursuance of the powers vested in me by the General 35 Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order direct as follows:—

First. From and after the passing of the Act confirming this Order, the fifty-first section of the Broughty Commissioners Gas Act, 1870, shall be read as if the words "fourteen thousand pounds" had been inserted therein instead of 40 the words "eight thousand pounds"; and the sixty-second section of that Act shall be read as if the words "one hundred and seventy-five pounds" had been inserted therein instead of the words "one hundred pounds;" and the sixty-fifth section of that Act shall be construed as if the costs, charges, and expenses of and incidental to the preparing for, obtaining, and confirming this Order, or 45 otherwise in relation thereto, were part of the costs, for the payment of which provision is made by that section.

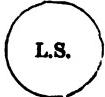
*General Police and Improvement (Scotland) [43 VICT.]
Provisional Order (Broughty Ferry).*

A.D. 1880. — Second. The annuities held by annuitants by virtue of the said last-mentioned Act, and all mortgages granted by the commissioners for securing money borrowed under the provisions of that Act, and subsisting at the passing of the Act confirming this Order, shall, during the non-redemption of such annuities and the continuance of such mortgages, have priority over all mortgages to be 5 granted by the commissioners under the provisions of the said Act as amended by this Order for securing money borrowed after the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twenty-third day of January one thousand eight hundred and eighty.

10

RICHD. ASSHETON CROSS.



B I L L

To confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Broughty Ferry.

A

(Prepared and brought in by
The Lord Advocate and Mr. Secretary Cross.)

Ordered, by The House of Commons, to be Printed,
19 February 1880.

[Bill. 83.]

Under 1 oz.

General Police and Improvement (Scotland)
Provisional Order
(Broughty Ferry).

A

B I L L

TO

Confirm a Provisional Order made under the General A.D. 1880.
Police and Improvement (Scotland) Act, 1862, relating
to Forfar Gas.

WHEREAS the Right Honourable Sir William Vernon Har-
court, one of Her Majesty's Principal Secretaries of State,
made the Provisional Order set forth in the schedule hereunto
annexed, under the provisions of the General Police and Improve-
ment (Scotland) Act, 1862:

And whereas it is necessary that the said Order should be con-
firmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows:

1. The Order set forth in the schedule hereunto annexed is Order in
hereby confirmed. schedule confirmed.

2. This Act may be cited as the Forfar Gas Amendment Short title.
15 Confirmation Act, 1880.

A.D. 1880.

S C H E D U L E.

ROYAL BURGH OF FORFAR.

*Provisional Order under the General Police and Improvement
(Scotland) Act, 1862. (25 & 26 Vict. cap. 101.)*

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, 5 it is, inter alia, provided (section 79) that whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of that Act in whole or part, or for the future 10 application and execution of any Acts in force therein having relation to the purposes of that Act, or to the roads or streets within such burgh, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts or any exemptions from rating therefrom derived should be wholly or partially 15 repealed or altered, the magistrates and council or the commissioners of such burgh may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal, and alteration as aforesaid, or for any of such things; and that after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a Provisional Order under his 20 hand and seal of office, in relation to the several things mentioned in such petition either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite, and to obtain confirmation of such Provisional Order by Act of Parliament:

And whereas the General Police and Improvement (Scotland) Act, 1862, 25 has, in pursuance of that Act, been in part adopted within the royal burgh of Forfar:

And whereas by the Forfar Gas Act, 1871, herein-after called "the Act of 1871," the supply of gas to the said burgh of Forfar and the suburbs thereof was vested in the Magistrates and Town Council of the said burgh 30 (herein-after called "the Corporation"), and the property, powers, rights, and privileges of the Forfar Gaslight Company were transferred to and vested in the Corporation who were authorised to maintain, restore, improve, or alter the gasworks thereby transferred to and vested in them, and to erect new works, and to manufacture gas, and to supply gas for the purpose of lighting 35 the streets and public places within the said burgh of Forfar, and to supply

A.D. 1880.

gas to the inhabitants, houses, buildings, works, and premises within the limits of the Act, and to do all such acts as the Corporation should consider necessary for these purposes, and to purchase land, and to exercise all other powers necessary for carrying out the purposes of that Act; and the Corporation were by the same Act empowered to borrow on mortgage for the purposes thereof any sums not exceeding five thousand pounds, and to make and grant mortgages of the property and works forming the undertaking thereby vested in the Corporation, and of the several rates and charges leviable by them under the provisions of the Act of 1871, in security of the payment of the money so borrowed and interest thereon; and the same Act directed that the Corporation should, "after the expiration of three years " from the passing of this Act, set apart as a sinking fund a sum of not less " than one hundred and fifty pounds per annum, and such sinking fund shall " from time to time be applicable to the redemption of mortgages and " annuities, and to no other purpose, and shall be lodged in any of the banks " in Scotland incorporated by Act of Parliament or royal charter, or invested " in government securities, or lent out at interest in the name and at the " discretion of the Corporation until the same be applied for the purposes " before specified":

And whereas the Corporation have presented a petition to me, as one of Her Majesty's Principal Secretaries of State, setting forth the said Acts, and that since the passing of the Act of 1871 they have maintained and managed the gasworks, and from time to time improved and extended the same, and have supplied the district within the limits of the Act of 1871 with gas: that the demand for gas in the said district has increased and is steadily increasing, and that the Corporation have been and are now under the necessity, in order to meet the demand for gas and to continue the effective lighting of the burgh, to expend, beyond the said sum of five thousand pounds authorised to be borrowed as before-mentioned, a sum of about three thousand pounds in improving, extending, and enlarging their gasworks; but that their borrowing powers under the Act of 1871 are exhausted, and they have no money wherewith to defray the cost thereof:

And whereas it has been represented to me in the said petition that it is expedient and necessary that the Corporation should be authorised to borrow an additional sum of four thousand pounds, upon the security of the property and works forming the undertaking, and the several rates and charges hereinbefore mentioned, and that with these objects the Act of 1871 should be altered:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to issue a Provisional Order in the terms herein-after expressed:

Now, therefore, in pursuance of the powers vested in me by the General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order direct as follows:—

A.D. 1880. First. From and after the passing of the Act confirming this Order, the fifty-third section of the Act of 1871 shall be read as if the words "nine thousand pounds" had been inserted therein instead of the words "five thousand pounds"; and the sixty-third section of that Act shall be read as if the words "two hundred and seventy pounds" had been inserted therein 5 instead of the words "one hundred and fifty pounds"; and the sixty-seventh section of that Act shall be construed as if the costs, charges, and expenses of and incident to the preparing for, obtaining, and confirming this Order, or otherwise in relation thereto, were part of the costs, for the payment of which provision is made by that section.

Second. The annuities held by annuitants by virtue of the Act of 1871, and all mortgages granted by the Corporation for securing money borrowed under the provisions of that Act, and subsisting at the passing of the Act confirming this Order, shall, during the non-redemption of such annuities and the continuance of such mortgages, have priority over all mortgages to be granted by 15 the Corporation under the provisions of the Act of 1871, as amended by this Order for securing money borrowed after the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twenty-first day of July
one thousand eight hundred and eighty.

20

W. V. HARCOURT.

L.S.

Glebe Loan (Ireland)
Amendment Act (1878)
Amendment.

B I L L

To amend the Glebe Loan (Ireland)
Amendment Act, 1878.

A

(Prepared and brought in by
Mr. Errington, Mr. O'Conor, and Mr. Dease.)

Ordered, by The House of Commons, to be Printed,
19 February 1880.

[Bill 81.]

Under 1 oz.

A

B I L L

TO

Amend the Glebe Loan Acts (Ireland).

A.D. 1880.

WHEREAS by section two of the Glebe Loan (Ireland) Amendment Act, 1878, it is provided that no loan under the provisions of the Glebe Loans (Ireland) Acts shall be made after the thirty-first day of August one thousand eight hundred and eighty, and it is expedient that the said section should be amended, and that the time during which loans under the said Acts may be made should be extended for a further period :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Glebe Loan (Ireland) Acts Amendment Act, 1880, and this Act and the Glebe Loan (Ireland) Acts, 1870 to 1878, may be cited together as the Glebe Loan (Ireland) Acts.

2. The second section of the Glebe Loan (Ireland) Amendment Act, 1878, which limits to the thirty-first day of August one thousand eight hundred and eighty the period during which loans may be made under the Glebe Loan (Ireland) Acts, is hereby repealed, and loans may be made under the said Acts until but not after the thirty-first day of August one thousand eight hundred and eighty-five.

[Bill 181.]

Glebe Loan Acts
(Ireland) Amendment.
=====

A

B I L L

To amend the Glebe Loan Acts
(Ireland).

(*Prepared and brought in by
Mr. Errington and Mr. Denis O'Conor.*)

=====

Ordered, by The House of Commons, to be Printed,
24 May 1880.

=====

[Bill 181.]

Under 1 oz.

A

B I L L

INTITLED

An Act to amend the Law respecting the Manner of A.D. 1880.
passing Grants under the Great Seal, and respecting
Officers connected therewith.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A.D. 1880. which Letters Patent for appointing the judges of Her Majesty's High Court of Justice are passed under the Great Seal.

Filing of instruments relating to Patents for inventions.

5. In the case of Letters Patent for inventions granted before or after the passing of this Act, all instruments required to be filed in the office of the Great Seal Patent Office shall be deemed so filed if 5 filed in the office of the Commissioners of Patents for Inventions.

Definitions.

6. In this Act, if not inconsistent with the context, the following expressions have the meanings herein-after assigned to them:

The expression "the Lord Chancellor" means the Lord High Chancellor of Great Britain, or the Commissioners for executing 10 the office of such Lord High Chancellor:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

The Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-two, intituled 15 "An Act to simplify the forms of appointment to certain offices, and the manner of passing grants under the Great Seal" is in this Act referred to and may be cited as the Great Seal Act, 1851.

Great Seal. [H.L.]

B I L L

INTITLED

An Act to amend the Law respecting
the Manner of passing Grants under
the Great Seal, and respecting Officers
connected therewith.

(Brought from the Lords 5 July 1880.)

Ordered, by The House of Commons, to be Printed,
7 July 1880.

[Bill 268.]

Under 1 oz.

A

B I L L

FOR

The better protection of Occupiers of Land against injury to A.D. 1880.
their Crops from Hares and Rabbits.

WHEREAS it is expedient in the interests of good husbandry, and for the better security for the capital and labour invested by the occupiers of land in the cultivation of the soil, that further provision should be made to enable such occupiers to protect their crops from injury and loss by ground game:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. Every occupier of land who is not otherwise entitled to kill and take ground game thereon shall by virtue of this Act have, as incident to and inseparable from his occupation of the land, the right to kill and take ground game thereon, but only by himself and his agents duly authorised in writing, and concurrently with any other person who may be entitled to kill and take ground game on the same land.

Occupier of
land to have
concurrent
right to kill
ground game
with any other
person entitled
to kill the same
on land in his
occupation.

2. Where the occupier of land is entitled otherwise than in pursuance of this Act to kill and take ground game thereon, it shall not be lawful for him wholly to part with or divest himself of such right; and if he shall give to any other person a title to kill and take ground game on the land in his occupation, he shall nevertheless retain and have, as incident to and inseparable therefrom, the right concurrently with such person to kill and take ground game thereon.

Occupier
entitled to
kill ground
game on land
in his occu-
pation not
to divest him-
self wholly of
such right.

25 3. Every agreement, condition, or arrangement which purports to divest or alienate the right of the occupier as declared, given, and reserved to him by this Act, or which gives to such occupier any advantage in consideration of his forbearing to exercise such right, or imposes upon him any disadvantage in consequence of his exercising such right, shall be void.

All agree-
ments in
contraven-
tion of right
of occupier
to destroy
ground
game void.

[Bill 194.]

A.D. 1880.

Exemption
from game
certificates.Saving
clause.

4. The occupier and his agents duly authorised in writing shall not be required to obtain a license to kill game for the purpose of killing and taking ground game, and the occupier shall have the same power of selling any ground game so killed by him or his authorised agent as if he had a license to kill game. 5

5. Where at the date of the passing of this Act the right to kill and take ground game on any land is vested by reservation lease, contract of tenancy, or other contract in some person other than the occupier, the occupier shall not be entitled under this Act, until the determination of that contract, to kill and take ground game on 10 such land. And in Scotland when the right to kill and take ground game is vested by operation of law or otherwise in some person other than the occupier, the occupier shall not be entitled by virtue of this Act to kill or take ground game during the currency of any lease or contract of tenancy under which he holds at the passing of 15 this Act.

For the purposes of this Act, a tenancy from year to year, or a tenancy at will, shall be deemed to determine at the time when such tenancy would by law become determinable if notice or warning to determine the same were given at the date of the passing of this 20 Act.

Interpreta-
tion clause.

6. For the purposes of this Act—

The words "ground game" mean hares and rabbits.

The word "agents" means any member of the household of the occupier habitually resident upon the land in his occupation, or 25 persons in his service on such land, or bona fide employed by him for reward for the taking and destruction of ground game.

Repeal of
s. 12 of
1 & 2 Will. 4.
c. 32.

7. Section twelve of the Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-two, whereby it is provided that where the lessor, landlord, or any person 30 whatsoever other than the occupier, has the right to the game in exclusion of the occupier, the occupier shall be liable to a penalty for killing or taking it, shall be repealed in so far as it is inconsistent with this Act.

Short title.

8. This Act may be cited for all purposes as the Ground Game 35 Act, 1880.

[*To be substituted for the Bill
already delivered.*]

Ground Game. =====

A

B I L L

[AS AMENDED IN COMMITTEE]

For the better protection of Occupiers
of Land against injury to their Crops
from Ground Game.

(Prepared and brought in by
Mr. Gladstone, Secretary Sir William Harcourt,
Mr. Dodson, Mr. Attorney-General,
Mr. Shaw Lefevre, and Mr. Arthur Peel.)

Ordered, by The House of Commons, to be Printed,
20 August 1880.

[Bill 314.]

Under 1 oz.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON CONSIDERATION AS
AMENDED]

FOR

The better protection of Occupiers of Land against injury to A.D. 1880.
their Crops from Ground Game.

WHEREAS it is expedient in the interests of good husbandry,
and for the better security for the capital and labour invested
by the occupiers of land in the cultivation of the soil, that further
provision should be made to enable such occupiers to protect their
crops from injury and loss by ground game:

Be it enacted by the Queen's most Excellent Majesty, by and
with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the
authority of the same, as follows :

10 1. Every occupier of land shall have, as incident to and inseparable from his occupation of the land, the right to kill and take ground game thereon, concurrently with any other person who may be entitled to kill and take ground game on the same land :
Provided that the right conferred on the occupier by this section
15 shall be subject to the following limitations :

Occupier of
land to have
concurrent
right to kill
ground game
with any other
person entitled
to kill the same
on land in his
occupation.

(1.) The occupier shall kill and take ground game only by himself or by persons duly authorised by him in writing ;

20 (a.) No person shall be authorised by the occupier to kill or take ground game, except members of his household resident on the land in his occupation, persons in his ordinary service on such land, and any one other person bona fide employed by him for reward in the taking and destruction of ground game ;

25 (b.) Every person so authorised by the occupier, on demand by any person having a concurrent right to take and kill the ground game on the land or any person authorised by him in writing to make such demand, shall produce to the person so demanding the document by which he is authorised, and in default he shall not be deemed to be an authorised person.

[Bill 318.]

A.D. 1880.

- (2.) A person shall not be deemed to be an occupier of land for the purposes of this Act by reason of his having a right of common over such lands ; or by reason of an occupation for the purpose of grazing or pasturage of sheep, cattle, or horses for not more than nine months : 5
- (3.) In the case of moorlands, and uninclosed lands (not being arable lands), the occupier and the persons authorised by him shall exercise the rights conferred by this section only from the eleventh day of December until the thirty-first day of March in each year, both inclusive ; but this provision shall not apply 10 to detached portions of moorlands, or uninclosed lands adjoining arable lands, where such detached portions or uninclosed lands are less than twenty-five acres in extent.

Occupier entitled to kill ground game on land in his occupation not to divest himself wholly of such right.

2. Where the occupier of land is entitled otherwise than in pursuance of this Act to kill and take ground game thereon, it 15 shall not be lawful for him wholly to part with or divest himself of such right ; and if he shall give to any other person a title to kill and take ground game on the land in his occupation, he shall nevertheless retain and have, as incident to and inseparable from such occupation the same right to kill and take ground game as 20 is declared by section one of this Act. Save as aforesaid the occupier may exercise any other or more extensive right which he may possess in respect of ground game, or other game in the same manner, and to the same extent, as if this Act had not passed.

All agreements in contravention of right of occupier to destroy ground game void.

3. Every agreement, condition, or arrangement which purports 25 to divest or alienate the right of the occupier as declared, given, and reserved to him by this Act, or which gives to such occupier any advantage in consideration of his forbearing to exercise such right, or imposes upon him any disadvantage in consequence of his exercising such right, shall be void. 30

Exemption from game certificates.

4. The occupier and the persons duly authorised by him as aforesaid shall not be required to obtain a license to kill game for the purpose of killing and taking ground game on land in the occupation of such occupier, and the occupier shall have the same power of selling any ground game so killed by him, or the persons 35 authorised by him, as if he had a license to kill game : Provided that nothing in this Act contained shall exempt any person from the provisions of the Gun Licence Act, 1870.

Saving clause.

5. Where at the date of the passing of this Act the right to kill and take ground game on any land is vested by lease, contract 40 of tenancy, or other contract in some person other than the occupier, the occupier shall not be entitled under this Act, until the

A.D. 1880.

determination of that contract, to kill and take ground game on such land. And in Scotland when the right to kill and take ground game is vested by operation of law or otherwise in some person other than the occupier, the occupier shall not be entitled by virtue 5 of this Act to kill or take ground game during the currency of any lease or contract of tenancy under which he holds at the passing of this Act, or during the currency of any contract made before the passing of this Act whereby any other person is entitled to take and kill ground game on the land.

10 For the purposes of this Act, a tenancy from year to year, or a tenancy at will, shall be deemed to determine at the time when such tenancy would by law become determinable if notice or warning to determine the same were given at the date of the passing of this Act.

15 Nothing in this Act shall affect any special right of killing or taking ground game to which any person other than the landlord, lessor, or occupier may have become entitled before the passing of this Act by virtue of any franchise, charter, or Act of Parliament.

6. No person having a right of killing ground game under this 20 Act or otherwise shall use any firearms for the purpose of killing ground game between the first hour after sunset and the last hour before sunrise ; and no such person shall, for the purpose of killing ground game, employ spring traps above ground or poison ; and any person acting in contravention of this section shall, on summary 25 conviction, be liable to a penalty not exceeding two pounds.

Prohibition
of night
shooting,
spring traps
above
ground, or
poison.

7. For the purposes of this Act—

The words "ground game" mean hares and rabbits.

Interpreta-
tion clause.

8. A person acting in accordance with this Act shall not be subject to any proceedings or penalties in pursuance of any law or 30 statute.

Exemption
from
penalties.

9. Nothing in this Act shall authorise the killing or taking of ground game on any days or seasons, or by any methods, prohibited by any Act of Parliament in force at the time of the passing of this Act.

Saving of
existing
prohibitions.

**35 10. This Act may be cited for all purposes as the Ground Game Short title.
Act, 1880.**

Ground Game.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON
CONSIDERATION AS AMENDED]

For the better protection of Occupiers
of Land against injury to their Crops
from Ground Game.

(Prepared and brought in by

Mr. Gladstone, Secretary Sir William Harcourt,
Mr. Dodson, Mr. Attorney-General,
Mr. Shaw Lefevre, and Mr. Arthur Peel.)

Ordered, by The House of Commons, to be Printed,
25 August 1880.

[Bill 318.]

Under 1 oz.

AMENDMENTS MADE BY THE LORDS
TO THE
GROUND GAME BILL.

NOTE.—*The page and line refer to the Bill (206) as first printed by the Lords.*

Page 1.

Line 17, after ("writing") insert as a new sub-section :
(“(a.) The occupier himself (or in lieu of the occupier) one other person authorised in writing by such occupier shall be the only person on the part of the occupier entitled under this Act to kill ground game with firearms ”)

Page 2.

Line 5, after ("months") insert as a new sub-section :
(“(3.) The occupier and the persons authorised by him shall exercise the right of killing ground game conferred by this section only from the first day of August in any year until the last day of March in the succeeding year, both inclusive ”)
Line 9, after ("December") insert ("in one year")
Line 10, leave out ("each") and insert ("the next")
Line 12, after ("portions") insert ("of moorlands")
Line 15, leave out from ("thereon") to ("if") in line 17.
Line 18, after ("take") insert ("such") and leave out ("on the land in his occupation")
Line 21, after ("aforesaid") insert ("but subject as in section six hereafter mentioned")
Line 41, after ("contract") insert ("bonâ fide made for valuable consideration")

Page 3.

Line 7, after ("made") insert ("bonâ fide for valuable consideration")
Line 21, after ("between the") insert ("expiration of the"), and after ("and the") insert ("commencement of the")
Line 23, leave out ("above ground or") and insert ("except in rabbit holes, nor employ")

[Bill 323.]

AMENDMENTS MADE BY THE
LORDS

TO THE

GROUND GAME BILL.

(2)

Page 3.

Line 25, after clause 6 insert clause (a.) :

("Where a person who is not in occupation of land has the sole right of killing game thereon (with the exception of such right of killing and taking ground game as is by this Act conferred on the occupier as incident to and inseparable from his occupation), such person shall, for the purpose of any Act authorising the institution of legal proceedings by the owner of an exclusive right to game, have the same authority to institute such proceedings as if he were such exclusive owner, without prejudice nevertheless to the right of the occupier conferred by this Act")

Ordered, by The House of Commons, to be Printed,
2nd September 1880.

[Bill 323.]

Under 1 oz.

Ground Game Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Occupier of land to have concurrent right to kill ground game with any other person entitled to kill the same on land in his occupation.
 3. Occupier entitled to compensation for damage done to crops by ground game.
 4. Exemption from game certificates.
 5. Saving clause.
 6. As to trespass in pursuit of rabbits.
 7. Summary proceeding for offences and penalties.
 8. Compensation to occupiers of land in respect of damage done by ground game harboured on adjoining lands.
 9. Notice in respect of claim for compensation.
 10. Interpretation clause.
 11. Repeal of s. 12 of 1 & 2 Will. 4. c. 32.
-

A

B I L L

TO

Secure occupiers of land against loss through injury to their crops by Ground Game. A.D. 1880.

WHEREAS it is expedient to enable occupiers of land to obtain compensation for injury done to their crops by ground game, and to amend the law in respect of trespassing on land in search or pursuit of rabbits or conies :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the *Ground Game (Compensation, &c.)* Short title.
10 Act, 1880.

2. Every occupier of land shall by virtue of this Act have (except where otherwise expressly provided by lease, contract of tenancy, or other contract), as incident to his occupation of such land, the right to kill and take ground game thereon, but only by 15 himself and his agents duly authorised in writing, and concurrently with any other person who may be entitled to kill and take ground game on the same land.

3. Where in England or Ireland under any lease, contract of tenancy, or other contract made subsequently to the passing of this 20 Act, the sole right to kill and take ground game on any land is vested in any person other than the occupier of such land, the occupier of such land shall be entitled to compensation for the damage done to any of his crops (which shall include grass, whether intended for hay or pasture) in each year by ground game in excess 25 of such sum as may have been set forth or agreed upon in such lease or contract as the estimated amount of annual damage for which it is agreed no compensation shall be due ; and if no such sum shall be set forth or agreed upon in such lease or contract, then in excess of the sum of *forty shillings*.

30 Provided, that during the continuance of any such lease or contract the parties thereto may from time to time, by agreement

[Bill 312.]

A 2

A.D. 1880. in writing, increase or diminish the estimated amount of such annual damage as aforesaid.

Such compensation shall be recoverable in England in the county court, and in Ireland in the civil bill court, from the person to whom the rent reserved by such lease or contract is for the time 5 being payable, except where the sole right to kill and take ground game is for the time being vested in any other person, in which case such compensation shall be recoverable from such last-mentioned person.

Exemption
from game
certificates.

4. The occupier and his agents duly authorised in writing shall 10 not be required to obtain a license to kill game for the purpose of killing and taking ground game, and the occupier shall have the same power of selling any ground game so killed by him or his authorised agent as if he had a license to kill game.

Saving
clause.

5. Where at the date of *the passing of this Act* the right to kill 15 and take ground game on any land in Scotland is vested by operation of law or otherwise in some person other than the occupier, the occupier shall not be entitled by virtue of this Act to kill or take ground game during the currency of any lease or contract of tenancy under which he holds at the passing of this Act. 20

For the purposes of this Act a tenancy from year to year, or a tenancy at will, shall be deemed to determine at the time when such tenancy would by law become determinable if notice or warning to determine the same were given at the date of the passing of this Act. 25

As to tres-
pass in
pursuit of
rabbits.

6. The following provisions shall, save as herein-after excepted, be in force in substitution for and to the exclusion of the provisions of all other Acts of Parliament with respect to trespassing on land in search or pursuit of rabbits or conies :

(1.) Any person who commits any trespass by entering or being 30 in the daytime on any land in search or pursuit of rabbits shall be liable to a penalty not exceeding *ten shillings*.

Where three or more persons together commit any such trespass each of such persons shall be liable to a penalty not exceeding *twenty shillings*. 35

Any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass.

(2.) Where any person is found trespassing on any land in the 40 daytime in search or pursuit of rabbits, the occupier of the land, or any person authorised by him, may require

A.D. 1880.

the person so found forthwith to quit the land whereon he is so found, and also to tell his Christian name, surname, and place of abode.

If such person, after being so required,—

5

- (a.) Wilfully continues or returns on the land ; or
- (b.) Refuses to tell his real name or place of abode ; or
- (c.) Gives such a general description of his place of abode as to be illusory for the purpose of discovery,

10

he shall be liable, in addition to any other penalty to which he may be liable under this Act, to a penalty not exceeding *ten shillings*.

15

The occupier, or any person authorised by him, so requiring as aforesaid, or any person acting by the order and in aid of either of them, may apprehend an offender under this sub-section, and convey him or cause him to be conveyed, as soon as conveniently may be, before a court of summary jurisdiction : Provided that no person so apprehended shall be detained for a longer period than *twelve hours* from the time of his apprehension until he is brought before a court of summary jurisdiction.

20

(3.) Any person who,—

25

Being armed with a gun, is found on any land in the daytime in search or pursuit of rabbits, and by violence, intimidation, or menace prevents or endeavours to prevent the occupier of the land, or any person authorised by such occupier, from approaching him, or from approaching any person in company with him,

30

shall be liable, in addition to any other penalty to which he may be liable under this Act, to a penalty not exceeding *five pounds*.

35

The preceding provisions of this section shall not extend or apply to trespassing in search or pursuit of rabbits in warrens or similarly inclosed places.

40

7. All offences and penalties under this Act may be prosecuted and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts ; but no offence shall be prosecuted, and no penalty shall be recoverable under this Act, save by the occupier of the land on which the offence in question is committed.

Summary proceeding for offences and penalties.

A.D. 1880.

Compensa-
tion to
occupiers of
land in
respect of
damage done
by ground
game har-
boured on
adjoining
lands.

8. Where any damage is done to the crops (which shall include grass, whether intended for hay or pasture) on the land of any owner by the ground game harboured on the land of any other owner adjoining such first-mentioned land, the occupier of such first-mentioned land shall be entitled to recover such compensation 5 in respect of such damage as the court adjudicating thereupon shall think just, having regard to all the circumstances of the case, from the occupier of the said adjoining land upon which such ground game was harboured, except where the sole right to kill and take ground game on such land is for the time being vested in any other 10 person, in which case such compensation shall be recoverable from such last-mentioned person.

Compensation under this section shall be recoverable in England in the county court, in Scotland in the ordinary sheriff court of the county, and in Ireland in the civil bill court ; and the powers, 15 authority, and jurisdiction of the said courts respectively, under the several Acts for the time being in force relating to the said courts respectively, shall extend and apply in the case of claims for compensation under this section arising in the said courts respectively, irrespective of the amount claimed, and to the hearing and determination 20 thereof, and to all matters relating thereto.

Notice in
respect of
claim for
compensa-
tion.

9. No claim for compensation in respect of damage to crops under this Act shall be made unless the person intending to make such claim shall have given to the person against whom such claim is intended to be made notice in writing of the intention to make 25 the same, in the case of damage done to a growing crop (except grass for pasture), at least *three weeks* before such crop is reaped or raised, and, in case of damage done to a crop reaped or raised, at least one week before it is removed from the land, and, in the case of damage done to grass for pasture, at least *fourteen days* before 30 any person to be called by the person intending to make such claim to estimate the damage shall inspect the crops with the view of estimating such damage.

Interpreta-
tion clause.

10. For the purposes of this Act—

The words "ground game" mean hares and rabbits :

35

The word "agents" means any member of the household of the occupier habitually resident upon the land in his occupation, or persons in his service on such land, or bona fide employed by him for reward for the taking and destruction of ground game :

The expression "Summary Jurisdiction Acts" means as follows : 40

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter

A.D. 1880.

forty-three, intituled "An Act to facilitate the performance

" of the duties of justices of the peace out of sessions

" within England and Wales with respect to summary

" convictions and orders," and any Acts amending the

5 same :

As to Scotland, the Summary Procedure Act, 1864 :

As to Ireland, within the police district of Dublin metro-

polis the Acts regulating the powers and duties of justices

of the peace for such district or of the police of such

10 district, and elsewhere in Ireland the Petty Sessions

(Ireland) Act, 1851, and any Act amending the same :

The expression "court of summary jurisdiction" means, in

England and Ireland, any two justices of the peace or any

metropolitan, stipendiary, or other magistrate empowered by

15 law to do alone any act authorised to be done by more than

one justice of the peace; and, in Scotland, any justice or

justices of the peace, sheriff, or sheriff substitute, police or other

magistrate or officer, by whatever name called, to whom juris-

diction is given by the Summary Jurisdiction Acts, or any Acts

20 therein referred to :

The expression "the daytime" means the period commencing at

the beginning of the last hour before sunrise and concluding at

the expiration of the first hour after sunset.

11. Section twelve of the Act of the session of the first and second

25 years of the reign of King William the Fourth, chapter thirty-two,

whereby it is provided that where the lessor, landlord, or any person

whatsoever other than the occupier has the right to the game in

exclusion of the occupier, the occupier shall be liable to a penalty

for killing or taking it, shall be repealed in so far as it is inconsistent

30 with this Act.

Repeal of
s. 12 of
1 & 2 Will. 4.
c. 32.

Ground Game.

A

B I L L

To secure occupiers of land against loss
through injury to their crops by
Ground Game.

(*Prepared and brought in by
Lord Elcho and Mr. Puleston.*)

*Ordered by The House of Commons, to be Printed,
16 August 1880.*

[Bill 312.]

Under 1 oz.

A

B I L L

TO

Amend the "Gun Licence Act, 1870."

A.D. 1880.

WHEREAS it is expedient to restore to occupiers of lands the freedom to protect their growing crops from injury, which they enjoyed previous to the imposition of the Gun Licence 5 Tax in 1870 :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The following words of sub-section four of section seven of the 10 Act of the thirty-third and thirty-fourth years of the reign of Queen Victoria, chapter fifty-seven ; viz. : Exemption from gun licence.

" By the occupier of any lands using or carrying a gun for the
" purpose only of scaring birds or of killing vermin on such
" lands, or by any person using or carrying a gun for the
15 " purpose only of scaring birds or of killing vermin on any
" lands by order of the occupier thereof, who shall have in
" force a licence or certificate to kill game, or a licence
" under this Act,"

are hereby repealed, and the following words shall take the place 20 thereof ; viz. :

" By the occupier of any lands using or carrying a gun, or by
" any person having his written authority to use or carry
" a gun, for the purpose only of killing or scaring hares,
" rabbits, birds, or vermin then being upon such lands."

25 2. This Act may be cited as "The Gun Licence Amendment Short title.
Act, 1880."

3. This Act shall come into operation from the *first day of April* Commencement of Act.
one thousand eight hundred and eighty-one.

Gun Licence Act (1870) Amendment.

A
B I L L

To amend the "Gun Licence Act, 1870."

(Prepared and brought in by
Sir Alexander Gordon, Mr. Pitt,
Mr. McLagan, and Mr. Mark Stewart.)

Ordered, by The House of Commons, to be Printed,
27 May 1880.

[Bill 193]

Under 1 oz.

Highways (Horse Rate) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Limitation to application of Act.
3. Interpretation.
4. License to be taken out for every horse.
5. Exemptions.
6. Highway authority to grant licence to keep horse to person applying for the same.
7. Highway authority to cause notices to be fixed to church doors.
8. Register of licences to be kept.
9. Offences under this Act.
10. Application of penalties.
11. Application of moneys by highway authority.
12. Costs incurred by highway authority.

SCHEDULE.

A

B I L L

TO

Amend the Law relating to the providing of Funds for the A.D. 1880.
Maintenance of Highways in England.

WHEREAS it is expedient that persons keeping horses in places to which this Act applies should make payments in respect of such horses towards the maintenance of highways in such places, in the manner and subject to the conditions by this Act provided :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

10 1. This Act may be cited as the Highways (Horse Rate) Act, Short title.
1880.

2. This Act shall not apply to Scotland, Ireland, or the Isle of Wight, nor to any part of the Metropolis as defined by the Highways and Locomotives (Amendment) Act, 1878, nor to any part of 15 a county to which the Act passed in the session of Parliament held in the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the " better management and control of the Highways in South " Wales," extends.

20 3. In this Act—
The expressions "highway authority" and "highway board" shall mean respectively a highway authority and a highway board as the same expressions are respectively defined by the Highways and Locomotives (Amendment) Act, 1878, and the term 25 "district" in relation to any highway authority shall mean the area within which such highway authority has jurisdiction for the purposes of the Highway Acts:

The term "horse" shall mean and include a horse or pony of any sex or description or age, except a foal, colt, or filly

[Bill 203.]

A 2

Limitation
to applica-
tion of Act.

Interpre-
tation.

A.D. 1880.

which shall never have been used for any purpose of draught or riding:

The term " person " shall include a corporation.

Licence to
be taken out
for every
horse.

4. Every person who on *the first day of January* in any year after the passing of this Act keeps a horse or horses within the district of any highway authority shall, within *twenty-one days* after such first day of January, take out from such highway authority in respect of each horse so kept by him a licence authorising him to keep one horse.

Every person who on any subsequent day to the first day of January in any year first commences to keep in the district of any highway authority a horse or horses, or to keep a horse or horses in addition to the number kept by him on such first day of January in any place to which this Act applies shall, within *twenty-one days* after such subsequent day, take out from such highway authority in respect of each horse so kept by him a licence authorising him to keep one horse: Provided always, that no person shall at any time be required to hold a number of licences in force at such time greater than the number of horses kept by him at such time.

Every licence taken out from the highway authority of any district shall be in the form set forth in the schedule to this Act annexed, or to the like effect, and shall be dated on the day of granting the same, and shall expire on *the thirty-first day of December* next following, and shall so long as the same continues in force authorise the person to whom the same is granted to keep one horse in any place to which this Act applies.

Every person who lets any horse for hire shall, for the purposes of this Act, be deemed to be the person keeping the same.

Exemptions.

5. Any officer (not being commandant) and any member of the yeomanry or volunteer force required to use and who shall have used his horse on duty for *six days* or upwards for any year ending the thirty-first day of December, and any person who shall have gratuitously furnished any horse which shall have been used for such period on duty by any such officer or member as aforesaid, or for conveying any gun or any waggon or other military carriage in the service of the yeomanry or volunteer force, shall be entitled, after the expiration of such year, to repayment of the amount paid by him for any licence in respect of any horse so used as aforesaid during such year; provided that upon any claim being made for any such repayment, a certificate signed by the commanding officer of a yeomanry or volunteer corps certifying that the horse therein specified has been used as aforesaid for the said number of days

during such year shall be produced by the person applying for such repayment.

A.D. 1880.

Any field officer, adjutant, musketry instructor, or surgeon of a regiment of militia who shall be returned in the manner required by law as effective shall be entitled after the expiration of any year to the repayment of the duty paid for a licence in respect of any horse used for the service of the militia in such year; provided, that any application for repayment shall be accompanied by a certificate duly signed in the following form:—

- 10 "I , commanding officer of the regiment
" of militia, do hereby certify that was a
" commissioned and serving in the said regiment as an effective
" member thereof, and that he kept one horse for the service of
" the militia in the year ended on the thirty-first day of De-
15 " cember one thousand eight hundred and ."
It shall not be necessary for licences to be taken out in the
following cases, viz.:
By any officer serving in any of Her Majesty's regular forces for
any horse or horses required by the regulations of the service to
20 be kept by him :
By any effective officer commanding a volunteer corps for any
number of horses, not exceeding two, kept by such officer for
service in such corps :
By any person for any horse kept by him solely for the purpose
25 of husbandry or use in his business of a market gardener, and
which shall not be used for riding or for drawing any carriage
for the keeping or using of which a licence is required by the
Act passed in the session of Parliament held in the thirty-
second and thirty-third years of the reign of Her present
Majesty, chapter fourteen, or any Act amending the same :
30 By any person in respect of any mare which shall be kept for the
sole purpose of breeding :
By any person for any horse used solely by him in an underground
mine :
35 By any person exercising or carrying on the trade of a horse
dealer for any horse being his property and kept on his premises
for sale, and which shall not be let for hire :
By any person for any horse kept only for racing purposes and
40 which shall not be used for any carriage for the keeping or
using of which a licence is required by the Act passed in the
session of Parliament held in the thirty-second and thirty-third
years of the reign of Her present Majesty, chapter fourteen,
or any Act amending the same.

A.D. 1880.

Highway authority to grant licence to keep horse to person applying for the same.

Highway authority to cause notices to be fixed to church doors.

Register of licences to be kept.

Offences under this Act.

6. The highway authority of any district shall, upon the application of any person keeping a horse or horses within such district, and upon payment by such person to such highway authority, or to their surveyor or clerk on their behalf, of the sum of *ten shillings*, in respect of each horse so kept, grant to such person a 5 licence or licences in such form as aforesaid, or to the like effect.

7. Every highway authority shall, on *the first day of January* in each year, cause to be placed upon or near to the door of every church within the district of such highway authority a printed or written notice stating where licences to keep horses can be obtained 10 in such district, and every such notice shall be kept affixed upon or near to the door of such church for such time as such highway authority shall direct: Provided that no proceeding of any kind nor any act done by any person in pursuance of this Act shall be deemed to be invalid or unlawful by reason of such notice not 15 having been placed or kept as aforesaid.

8. Every highway authority shall keep a register of all licences granted by such authority under this Act, specifying the name and place of abode of every person to whom any licence has been granted by such highway authority, and any justice of the peace 20 or constable or other officer of the peace, or any officer or person authorised by any highway authority, may at any convenient time inspect the said register of licences granted for the current or preceding year.

9. If any person does any of the following things he shall be 25 guilty of an offence against this Act:

(1.) If he keep a horse in respect of which a licence under the provisions of this Act authorising him so to do is by this Act required without having in force any such licence or if he keep a greater number of horses than he is 30 authorised to keep by any licence or licences granted under this Act:

(2.) If he uses or offers or attempts to use as a licence under the provisions of this Act an instrument not being a licence granted under the provisions of this Act, or an instrument 35 untruly purporting or appearing to be a licence granted under the provisions of this Act, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of such untruth, and that he could not with reasonable diligence have 40 obtained knowledge thereof:

(3.) If with intent to unlawfully evade this Act he alters or A.D. 1880.

falsely makes or ante dates or counterfeits or offers or
utters, knowing the same to be altered or falsely made or
antedated or counterfeited, a licence granted or purporting
to be granted by any highway authority for the purposes
of this Act.

If any person is guilty of an offence against this Act he shall for
every such offence be liable to a penalty not exceeding *twenty
pounds*, and such penalty may be recovered summarily.

10 Provided that such penalty shall not be recoverable where the defendant in any proceeding for the recovery of the same shall prove to the satisfaction of the court before whom such proceeding shall be depending that he had paid for and obtained a proper licence within the time prescribed by this Act; provided also that,
15 if in any proceeding for recovery of the said penalty any question shall arise as to the number of horses kept by the defendant, or whether the defendant was entitled to any exemption from licence under the provisions contained in this Act, the burden of proving the number or right to exemption, as the case may be, shall lie
20 upon the defendant.

10. The court imposing any penalty in respect of any offence Application
under this Act may, if it think fit, direct the whole or any part of penalties.
thereof to be applied in or towards payment of the expenses of the
proceedings, and, subject to such direction, all penalties recovered
25 under this Act shall be paid to the highway authority of the district
in which such offence was committed.

11. All moneys paid under this Act to the highway authority of Application
any district being a highway board shall be carried to the credit of of moneys
the district fund of such highway board and form part of the same, by highway
30 and all moneys paid under this Act to any other highway authority authority.
shall be carried by such highway authority to the credit of the
moneys applicable to the repair of the highways within the district
of such highway authority.

12. All costs and expenses incurred in the execution of this Act Costs in-
35 by any highway authority being a highway board shall be paid out curred by
of the district fund of such highway authority, and all such costs highway
and expenses incurred by any other highway authority shall be authority.
paid out of the moneys applicable to the repair of highways within
the district of such highway authority.

Highways (Horse Rate).

6

Highways (Horse Rate).

[43 Vict.]

A.D. 1880.

S C H E D U L E.

Licence by the Highway Authority for the District of ,
 in the county of under the Highways (Horse
 Rate) Act, 1880.

To A.B. of , in the county of , authorizing 5
 him in consideration of the sum of ten shillings paid by him, being
 the amount payable in respect of this licence under the Highways
 (Horse Rate) Act, 1880, to keep one horse in any place to which
 the said Act applies during the year ending the thirty-first day of
 December one thousand eight hundred and . 10

Dated this day of

18 .

(Signed) C.D.

Surveyor of (or clerk to)
 the said highway authority

B I L L

To amend the Law relating to the pro-
 viding of Funds for the Maintenance
 of Highways in England.

*(Prepared and brought in by
 Mr. Soheron Estcourt, Mr. Reginald Yorke,
 Mr. Chester Master, and Mr. Henneage.)*

*Ordered, by The House of Commons, to be Printed,
 2 June 1880.*

[Bill 203]
Under 1 oz.

A

B I L L

FOR

The Extension of the Hours of Polling at Elections in A.D. 1880.
Boroughs.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited as the Hours of Polling (Borough) Short title.
Act, 1880.

2. At the following elections; namely,—

(1.) Every election to return a Member or Members to serve in Parliament for any parliamentary borough other than those specified in the schedule to the Parliamentary Elections (Metropolis) Act, 1878;

Hours of
polling at
borough
elections.

10 (2.) Every municipal election held in a municipal borough;
(3.) Every school board election held in a borough (not including the Metropolis) in England or in a burgh in Scotland,

41 Vict. c. 4.

15 the poll, if taken, shall commence at *eight o'clock* in the forenoon, and be kept open until *eight o'clock* in the afternoon of the same day.

20 3. In this Act "municipal borough" means any place for the Definitions. time being subject to the Municipal Corporation Acts or any of them.

"Municipal Corporation Acts" means,—

(a.) As regards England, the Municipal Corporation Act, 1835, and the Acts amending the same:

25 (b.) As regards Scotland, the Act of the session of the 3rd and 4th years of the reign of King William the 4th, chapter 76, intituled, "An Act to alter and amend the laws for the election of Magistrates and Councillors of the Royal Burghs in Scotland," and the Act of the same session, chapter 77, intituled, "An Act to

[Bill 134.]

A.D. 1880.

"provide for the appointment and election of Magistrates and Councillors for the several Burghs and Towns of Scotland which now return or contribute to return Members to Parliament and are not Royal Burghs," and the Act of the session of the 13th and 5 14th years of the reign of Her present Majesty, chapter 33, intituled, "An Act to make more effectual provision for regulating the police of towns and populous places in Scotland, and for paving, draining, cleansing, lighting, and improving the same," and 10 the General Police and Improvement (Scotland) Act, 1862, and any Acts amending the same:

(c.) As regards Ireland, the Act of the session of the 3rd and 4th years of the reign of Her present Majesty, chapter 108, intituled, "An Act for the regulation of Municipal 15 Corporations in Ireland," the Act of the 9th year of George the 4th, chapter 82, the Towns Improvement (Ireland) Act, 1854, and every local and personal Act providing for the election of Commissioners in any towns or places for purposes similar to the purposes 20 of the said Acts.

"Municipal election" means,—

(a.) As regards England, an election of any person to serve the office of councillor of any municipal borough, or of councillor for a ward of a municipal borough: 25

(b.) As regards Scotland, an election of any person to serve the office of councillor or commissioner of any municipal borough, or of a ward or district of any municipal borough:

(c.) As regards Ireland, an election of any person to serve the 30 office of alderman or councillor of any municipal borough.

Hours of Polling (Borough).

A

B I L L

For the Extension of the Hours of Polling
at Elections in Boroughs.

*(Prepared and brought in by
Mr. Ashton Dilke, Dr. Cameron,
Major Nolan, Mr. Henry Samuelson,
Mr. Firth, and Mr. Barran).*

*Ordered, by The House of Commons, to be Printed,
21 May 1880.*

[Bill 134.] Under 1 oz.

A

B. I. L. L

TO

Abolish the Landlord's Right of Hypothec for Rent in A.D. 1880.
Scotland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. *From and after the eleventh day of November one thousand eight hundred and eighty-one*, herein-after called the commencement of this Act, the landlord's right of hypothec for the rent of land, including the rent of any buildings thereon, exceeding *two acres* in extent, let for agriculture or pasture, shall cease and determine: Landlord's
hypothec to
cease after
11th No-
vember 1881.
- 10 Provided that nothing herein contained shall apply to any claim for rent due, or which may hereafter become due, under any lease, writing, or bargain current at the date of the passing of this Act, and payable at any term of payment thereafter.
- 15 2. *From and after the commencement of this Act* the landlord of any land exceeding *two acres* in extent, and let for agriculture or pasture, shall, subject to the provisions of the preceding section of this Act, have the same rights and remedies against his tenant when *six months* rent is due and unpaid as is now provided by the law of Scotland when twelve months rent is due and unpaid, Landlord's
remedy when
six months
rent is due
and unpaid.
- 20 and shall also have the same rights and remedies against his tenant when *twelve months* rent is due and unpaid as is now provided by the law of Scotland when two years rent is due and unpaid, but subject always to the following provision; (that is to say,) It shall not be lawful for the sheriff to entertain any action for caution and
- 25 removing, or for irritancy and removing, unless such action has been preceded by *fourteen days* written notice to the tenant that such action is intended, nor to decern the tenant to find caution for more than the arrears of rent and *one year's* rent further.

[Bill 34.]

A.D. 1880. — The bond of caution may be so expressed as to be a continuing security, available on the landlord's demand upon the cautioner for payment of any single future half year's rent that may not be duly paid by the tenant. When such caution has been found the action shall be sisted, but shall remain in court; and, in case the tenant 5 shall thereafter allow any future half year's rent, not provided for by such bond, to fall in arrear, and shall fail to pay the same within *ten days* after a written demand of payment, the landlord may obtain a new order for caution as aforesaid in the same action, and, failing renewed caution, may obtain decree of removing. 10

The cautioner may at any time, by giving notice in writing to the landlord, discontinue his liability under such bond in respect of any rent which is not past due, or current, at the date of such notice, and the landlord may thereupon obtain an order on the tenant to substitute another cautioner before the running out of 15 the time from the expiry of which the first cautioner's continuing liability is so withdrawn, and, on the tenant's failure to find such new caution, the sheriff may grant decree of removing.

Provided also, that in any proceedings for caution or removing, or for irritancy and removing, the sheriff shall examine into, 20 and ascertain, and make allowance in diminution of the rent and arrears for all legal claims which the tenant may have against the landlord; and that in the event of a tenant being removed or ejected from such land in any year under the provisions of the Act of Sederunt anent Removings, of the fourteenth day of December 25 one thousand seven hundred and fifty-six, and of this Act, on account of having been in arrears of rent for six months, or twelve months, as the case may be, such tenant shall not thereby forfeit any of the rights of an outgoing tenant to which he would have been entitled if his lease had naturally expired at the date of 30 such removal or ejection.

Provisions of
second sec-
tion not to
apply in ad-
dition to
hypothec.

3. The provisions of the second section of this Act shall not apply in any case in which the landlord's right of hypothec has not ceased and determined.

Hypothec Abolition (Scotland).

B I L L

To abolish the Landlord's Right of
Hypothec for Rent in Scotland.

A

(Prepared and brought in by
Mr. Agnew, Mr. Baillie Hamilton, and
Sir George Douglas.)

Ordered, by The House of Commons, to be Printed,
6 February 1880.

[Bill 34.]

Under 1 a.

A

B I L L

TO

Confirm the Provisional Order for the Regulation of certain Lands known as Abbotside Common, situate in the parish of Aysgarth, in the county of York, in pursuance of a report of the Inclosure Commissioners for England and Wales.

A.D. 1880.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and eighty, the Provisional Order of Regulation set forth in the schedule hereto, 5 and in a special report certified that it was expedient that the same should be confirmed by Parliament:

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

10 And whereas the said regulation cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows :

1. The Provisional Order of Regulation set forth in the schedule to this Act is hereby confirmed.

Confirmation
of Provi-
sional Order.

2. This Act may be cited as the Regulation (Abbotside) Provisional Order Confirmation Act, 1880.

Short title.

A.D. 1880.

S C H E D U L E.*Provisional Order for the Regulation of a Common.*

WHEREAS persons interested in certain lands called or known as Abbotside Common, situate in the townships of High and Low Abbotside, in the parish of Aysgarth, in the county of York, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the regulation of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order : 10

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, 15 and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the twenty-sixth day of August one thousand eight hundred and seventy-nine, at eleven o'clock in the forenoon, and on the following day at the hour of seven in the evening, at the Green Dragon Inn, Hardrow, High Abbotside, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order : 20 25 30

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed : 35

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the regulation of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the provisions for the improvement of the common which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

10 That for the improvement of the said common the following provisions be put in force; that is to say, provisions for—

1. The draining, manuring, and levelling of the said common as may be found necessary:
2. The planting of trees, or the erection of such fencing as may be found necessary for shelter, or for the protection of the planting, or of the due exercise of the rights of common, or in any other way improving or adding to the beauty of the said common: Provided that in any fences which may be erected in pursuance of this provision there shall be placed such gates as will afford to the public convenient access to that part of the common known as Staggs Fell Plain, over which a privilege of playing games and of enjoying other species of recreation is herein-after reserved:
3. The making of byelaws and regulations for the prevention of or protection from nuisances, and for keeping order on the said common:
4. The general management of the said common:
5. The appointment from time to time of conservators of the said common for the purposes aforesaid, such conservators being persons interested in the said common.

That the foregoing provisions for improvement shall apply to the whole of the said common.

That with a view to the benefit of the neighbourhood the following provisions be made part of the terms and conditions of this Order; that is to say,

1. That there be reserved to the public a privilege of playing games, and of enjoying other species of recreation, at all times, over that part of the said common known as Staggs Fell Plain, bounded on the north by the present turbary road, on the south by the High Clint, on the west by Staggs Fell Road, and on the east by the road leading to Sedbusk High Pasture:
2. That, if found necessary, carriage roads, bridle roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

That there may be raised by the conservators for the time being such sums as the said Inclosure Commissioners shall think fit, and by order from time to time under their seal, at the request of the conservators, direct, to be applied towards the improvement or protection of the said common, and to be raised by means of rates to be levied upon the respective owners of the gates or stints upon the said common, in proportion to the number of their gates or stints, as

Inclosure Provisional Order (Abbotside [43 Vict.] Common).

A.D. 1880. the same are determined by a certain award, dated twenty-fourth May one thousand eight hundred and thirty-seven, relating to the said common, and made in pursuance of an Act passed in the fifth year of the reign of King George the Fourth, such rate to be recoverable by the conservators or any officer appointed by them for the purpose, in such manner, as nearly as circumstances will 5 permit, as if the same had been rates recoverable by a field reeve appointed under the powers of the said Acts, or any of them.

That for the purpose of giving complete effect to this Provisional Order, and to enable the conservators to carry out their duties in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts 10 such provisions, not inconsistent with such Acts, as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal this first day of January one thousand eight hundred and eighty.

B I L L

A

To confirm the Provisional Order for the Regulation of certain Lands known as Abbotside Common, situate in the parish of Aysgarth, in the county of York, in pursuance of a report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by
Mr. Arthur Peel and Secretary
Sir William Harcourt.*)

*Ordered, by The House of Commons, to be Printed,
11 June 1880.*

[Bill 218.] Under 1 oz.

[43 VICT.]

*Inclosure Provisional Order (Clent
Hill Common).*

1

A

B I L L

TO

Confirm the Provisional Order for the Regulation of certain A.D. 1880.

Lands known as Clent Hill Common, situate in the parish of Clent, in the county of Worcester, in pursuance of a report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845 to 1878, issue, in the year one thousand eight hundred and eighty, the Provisional Order of Regulation set forth in the schedule hereto, and 5 in a special report certified that it was expedient that the same should be confirmed by Parliament:

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

10 And whereas the said regulation cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows :

1. The Provisional Order of Regulation set forth in the schedule to this Act is hereby confirmed. Confirmation of Provisional Order.

2. This Act may be cited as the Regulation (Clent) Provisional Order Confirmation Act, 1880. Short title.

[Bill 217.]

A.D. 1880.

S C H E D U L E.*Provisional Order for the Regulation of a Common.*

WHEREAS persons interested in certain lands called or known as Clent Hill Common, situate in the parish of Clent, in the county of Worcester, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, have 5 made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the regulation of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such 10 interests in the said common as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private 15 interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the Lyttelton Arms, Hagley, in the said county, on the nineteenth 20 and twentieth days of January one thousand eight hundred and eighty, at the respective hours of half-past ten in the morning and seven in the evening, to hear all persons desirous of being heard on the subject matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order 25 applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts : 30

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of 35 which map is hereto annexed :

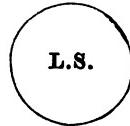
Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that,

A.D. 1880.

having regard to the benefit of the neighbourhood as well as to private interests, the regulation of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the provisions for the improvement of the common which are to be put in force, 5 and the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that is to say,

That for the improvement of the common the following provisions be put in force ; that is to say, provisions for—

- 10 1. The draining and levelling of the said common as may be found necessary:
 2. The planting of trees for ornament on parts of the said common, or in any other way improving or adding to the beauty of the same :
 3. The making of byelaws and regulations for the prevention of and protection from nuisances, and for keeping order, on the said common :
 - 15 4. The general management of the said common :
 5. The appointment from time to time of conservators of the said common for the purposes aforesaid, one of such conservators to be the lord or lady of the manor for the time being, or his or her nominee, and others to be nominated in manner following ; that is to say, two by the persons interested in the said common out of their own number, three by the inhabitants of the parishes of Clent, Hagley, and Halesowen, respectively, in vestry assembled, one to be chosen by each parish, and the remaining six by the urban sanitary authorities of the following towns, one to be nominated by each ; that is to say, Stourbridge, Dudley, 25 Rowley-Regis, Brierley Hill, Quarry Bank, and Kidderminster.
- That the foregoing provisions shall apply to the whole of the said common.
- That, with a view to the benefit of the neighbourhood, the following provision be made part of the terms and conditions of this Order ; that is to say,
- 30 That there be reserved to the inhabitants of Clent, and of the several parishes and towns aforesaid, and to the public generally, at all times, a privilege of walking, and playing games, and enjoying other species of recreation over the whole of the said common, subject to such byelaws for the reasonable regulation thereof as the said conservators may from time to time make, and that the said conservators have power to make such byelaws.
 - 35 That, for the purpose of giving complete effect to this Order, and to enable the conservators to carry out their duties in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts such provisions, not inconsistent with such Acts, as the said Inclosure Commissioners shall think desirable and proper.
 - 40 In witness whereof we have hereunto set our official seal this thirteenth day of February one thousand eight hundred and eighty.



Inclosure Provisional
Order (Clent Hill
Common).

A

B I L L

To confirm the Provisional Order for
the Regulation of certain Lands known
as Clent Hill Common, situate in the
parish of Clent, in the county of
Worcester, in pursuance of a report
of the Inclosure Commissioners for
England and Wales.

(Prepared and brought in by
Mr. Arthur Peel and Secretary
Sir William Harcourt.)

Ordered, by The House of Commons, to be Printed,
11 June 1880.

[Bill 217.]

Under 1 oz.

A

B I L L

TO

Confirm the Provisional Order for the Inclosure of certain A.D. 1880.
Lands known as Hendy Bank Common, situate in the
parish of Cefnllys in the county of Radnor, in pursuance
of a Report of the Inclosure Commissioners for England
and Wales.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and eighty, the Provisional Order of Inclosure set forth in the schedule hereto, and 5 in a special report certified that it was expedient that the same should be confirmed by Parliament:

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

10 And whereas the said inclosure cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows:

1. The Provisional Order of Inclosure set forth in the schedule to this Act is hereby confirmed. Confirmation of Provisional Order.

2. This Act may be cited as the Inclosure (Hendy Bank) Provisional Order Confirmation Act, 1880. Short title.

2 *Inclosure Provisional Order (Hendy Bank [43 & 44 VICT.] Common).*

A.D. 1880.

S C H E D U L E.

Provisional Order for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as Hendy Bank Common, situate in the parish of Cefnllys in the county of Radnor, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, 5 have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the 10 persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a prima facie case had been made out, and that, 15 regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, 20 public meetings at the Severn Arms Hotel, Penybont, on the nineteenth and twentieth days of November one thousand eight hundred and seventy-nine, at the respective hours of eleven in the morning and seven in the evening, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and 25 inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts : 30

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a 35 copy of which map is hereto annexed :

And whereas Sir Joseph Russell Bailey, Baronet, as lord of the manor of Gareg, is entitled to the soil of the said common :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having 40

regard to the benefit of the neighbourhood, as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that is to say,

A.D. 1880.

That, with a view to the benefit of the neighbourhood, the following provisions be made part of the terms and conditions of this Order ; that is to say,

1. That, if found necessary, carriage roads, bridle roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

2. That there be reserved to the public a privilege, at all times, of enjoying air, exercise, and recreation upon those parts of the land to be inclosed, which shall for the time being be unplanted or uncultivated for arable purposes :

15 Provided that in such enjoyment no injury shall be done to the lands or to the herbage growing thereon : Provided also, that gates or stiles shall be placed in all fences inclosing such lands, at convenient intervals not exceeding a quarter of a mile, and that access to such lands shall be secured to the public.

That one fourteenth part in value of the said common be allotted, under the provisions of the said Acts, to the said Sir Joseph Russell Bailey, as lord of the said manor, in lieu of his right and interest in the soil of the said common, exclusively of his right and interest in all mines, minerals, stones, and other substrata under the same, and also exclusively of any right of pasturage, or other right of common, or interest in the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon the said common, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

And in respect of the mines, minerals, stone, and other substrata under the said common, which are hereby excepted from the inclosure and reserved to the lord of the manor, it is hereby specified as follows ; that is to say,

That a right to enter the said common, when inclosed, for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata, be reserved to such lord of the manor, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our official seal this twenty-eighth day of January one thousand eight hundred and eighty.

L.S.

Inclosure Provisional
Order (Hendy Bank
Common).

A

B I L L

To confirm the Provisional Order for the
Inclosure of certain Lands known as
Hendy Bank Common, situate in the
Parish of Cefnllys in the county of
Radnor, in pursuance of a Report of
the Inclosure Commissioners for
England and Wales.

(*Prepared and brought in by
Mr. Arthur Peel and Secretary Sir William
Harcourt*).

*Ordered, by The House of Commons, to be Printed.
18 June 1880.*

[Bill 238.] Under 1 oz.

A

B I L L

TO

Confirm the Provisional Orders for the regulation of certain A.D. 1880.

Lands forming part of the Lizard Common, and situated in the parish of Landewednack, in the county of Cornwall, and the Provisional Orders for the inclosure of certain other Lands forming the remainder of the said common, and situated in the same parish, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and seventy-nine, the Provisional Order of Inclosure and the Provisional Order of Regulation set forth in the schedule hereto, and in a special report certified that it was expedient that the same should be confirmed by Parliament :

And whereas a Committee of the House of Commons, to which the same Provisional Orders were referred, recommended that the same should be confirmed without modification :

And whereas the said inclosure and regulation cannot be proceeded with without the previous authority of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Provisional Order of Inclosure and the Provisional Order of Regulation set forth in the schedule to this Act are hereby confirmed.

2. This Act may be cited as the Inclosure and Regulation Short title.
(Lizard Common) Provisional Orders Confirmation Act, 1880.

2 Inclosure Provisional Order (Lizard Common). [43 & 44 VICT.]

S C H E D U L E.

A.D. 1880.

Provisional Order for the Regulation of a Common.

WHEREAS persons interested in certain lands called or known as the Lizard Common, situate in the parish of Landewednack in the county of Cornwall, such lands being a common within the meaning of the Inclosure Acts, 1845 to 5 1878, have made application to the Inclosure Commissioners for England and Wales to issue Provisional Orders for the regulation of part, and for the inclosure of the residue of such common, and to certify that it is expedient that such Provisional Orders should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the 10 persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Orders :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and 15 that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commisaioner, having caused public notices to be given as required by the said Acts, held, pursuant to the said notices, 20 public meeting at Hill's Hotel, in Lizard Village, on the twenty-seventh and twenty-eighth days of June one thousand eight hundred and seventy-eight, at the respective hours of eleven in the forenoon and seven in the evening, and on the fourteenth and fifteenth days of August one thousand eight hundred and seventy-nine, at the same hours respectively, to hear all persons desirous of 25 being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders : 30

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several 35 particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map, so far as it relates to the subject-matter of this Order, is hereto annexed :

And whereas it is expedient to modify the boundaries as proposed in the 40 said application of the part of the said common to be regulated and the part to be inclosed :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private 45

A.D. 1880.

interests, the regulation of part of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the provisions for the adjustment of rights and the improvement of the common which are to be put in force, and the terms and conditions on 5 which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That the part of the said common to be regulated be that which is included within an edging of green colour on the map hereto annexed.

10 That for the adjustment of rights the following provisions be put in force; that is to say, provisions for—

1. The stinting or other determination of the rights, and the persons by whom, and the mode in which, and the times at which, such rights are to be exercised.

15 2. The determination of any rights, and settlement of any disputes relating to boundaries, rights in the soil or in the produce of the soil or otherwise, should any such be found to exist.

That for the improvement of the part of the said common to be regulated, the following provisions be put in force; that is to say, provisions for—

20 1. The draining and levelling of such part of the said common as may be found necessary.

2. The making of byelaws and regulations for the prevention of, or protection from, nuisances, and for keeping order on such part of the said common.

25 3. The general management of such part of the said common.

4. The appointment, from time to time, of conservators of such part of the said common for the purposes aforesaid.

That the aforesaid provisions for adjustment of rights and for improvement shall apply to all that part of the said common which is to be regulated.

30 That with a view to the benefit of the neighbourhood, the following provisions be made part of the terms and conditions of this Order; that is to say,

1. That there be reserved to the public a right of free access, at all times, to the whole of the lands to be regulated, together with the privilege of playing games, and of enjoying other species of recreation thereon.

35 2. That, if found necessary, carriage roads, bridle roads, and footpaths, be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

That for the purpose of giving complete effect to this Provisional Order, and to enable the conservators to carry out their duties in the most efficient manner, 40 there shall be inserted in the award to be made in pursuance of the said Acts such provisions, not inconsistent with such Acts, as the said Inclosure Commissioners shall think desirable and proper.

In witness whereof we have hereunto set our official seal this eighteenth day of December one thousand eight hundred and seventy-nine.

L.S.

4. *Inclosure Provisional Order (Lizard Common). [43 & 44 Vict.]*

A.D. 1880.

Provisional Order for the Inclosure of a Common.

WHEREAS persons interested in certain lands called or known as the Lizard Common, situate in the parish of Landewednack in the county of Cornwall, such lands being a common within the meaning of the Inclosures Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England 5 and Wales to issue Provisional Orders for the regulation of part and for the inclosure of the residue of such common, and to certify that it is expedient that such Provisional Orders should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such 10 interests in the said common as are proposed to be affected by the Provisional Orders:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood, as well as to private 15 interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notices to be given, as required by the said Acts, held, pursuant to the said notices, public meetings at Hill's Hotel, in Lizard Village, on the 27th and 28th days of 20 June 1878, at the respective hours of 11 in the forenoon and 7 in the evening, and on the 14th and 15th days of August 1879, at the same hours respectively, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Orders applied for, and into the nature of the provisions to be inserted in such Provisional Orders:

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts: 30

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of 35 which map, so far as it relates to the subject-matter of this Order, is hereto annexed:

And whereas it is expedient to modify the boundaries as proposed in the said application of the part of the said common to be regulated and the part to be inclosed: 40

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood, as well as to private interests, the inclosure of part of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the 45 terms and conditions on which, provided the necessary consents are given

[43 & 44 VICT.] *Inclosure Provisional Order (Lizard Common).* 5

thereto, we are prepared to certify that it is expedient the Provisional Order A.D. 1880
should be confirmed by Parliament ; that is to say,

That the part of the said common to be inclosed be that which is included
within an edging of red colour on the map hereto annexed.

5 That 20 acres of average quality be allotted for field gardens, with the
view of exchanging the same for land conveniently situated and suitable for the
purpose.

That, if found necessary, carriage roads, bridle roads, and footpaths be set out,
to the satisfaction of the Inclosure Commissioners, as may be most convenient
10 for public use.

In witness whereof we have hereunto set our official seal this eighteenth
day of December one thousand eight hundred and seventy-nine.

L.S.

**Inclosure Provisional
Order (Lizard
Common.)**

A

B I L L

To confirm the Provisional Orders for the regulation of certain Lands forming part of the Lizard Common, and situated in the parish of Landewednack in the county of Cornwall, and the Provisional Orders for the inclosure of certain other Lands forming the remainder of the said common, and situated in the same parish, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by
Mr. Arthur Peel and Secretary Sir William
Harcourt.*)

*Ordered, by The House of Commons, to be Printed,
18 June 1880.*

[Bill 237.]

Under 1 oz.

A

B I L L

TO

Confirm the Provisional Order for the inclosure of certain A.D. 1880.
Lands known as Llandegley Rhos Common, situate in the parish of Glascwm in the county of Radnor, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845 to 1878, issue, in the year one thousand eight hundred and eighty, the Provisional Order of Inclosure set forth in the schedule hereto, and 5 in a special report certified that it was expedient that the same should be confirmed by Parliament:

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

10 And whereas the said inclosure cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows:

1. The Provisional Order of Inclosure set forth in the schedule to this Act is hereby confirmed.

Confirmation
of Provi-
sional Order.

2. This Act may be cited as the Inclosure (Llandegley Rhos) Provisional Order Confirmation Act, 1880.

Short title.

[Bill 236.]

A.D. 1880.

S C H E D U L E.

Provisional Order for the Inclosure of a Common.

WHEREAS persons interested in such part of Llandegley Rhos Common as is situate in the parish of Glaswm in the county of Radnor, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood, as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the Severn Arms Hotel, Penybont, on the 21st and 22nd days of November 1879, at the respective hours of 11 in the morning and 7 in the evening, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed : 35

And whereas Sir Joseph Russell Bailey, Bart., as lord of the manor of Gareg, is entitled to the soil of the said common :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the 40

[43 & 44 VICT.] *Inclosure Provisional Order (Llandegley Rhos Common).* 3

inclosure of the said common is desirable, have framed for the consideration of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that is to say,

A.D. 1880.

That, with a view to the benefit of the neighbourhood, the following provisions be made part of the terms and conditions of this Order ; that is to say,

1. That, if found necessary, carriage roads, bridle roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

2. That there be reserved to the public a privilege, at all times, of enjoying air, exercise, and recreation upon those parts of the land to be inclosed which shall for the time being be unplanted or uncultivated for arable purposes : Provided that in such enjoyment no injury shall be done to the lands or to the herbage growing thereon : Provided also, that gates or stiles shall be placed in all fences inclosing such lands, at convenient intervals not exceeding a quarter of a mile, and that access to such lands shall be secured to the public.

That one fourteenth part in value of the said common be allotted, under the provisions of the said Acts, to the said Sir Joseph Russell Bailey, as lord of the said manor, in lieu of his right and interest in the soil of the said common, exclusively of his right and interest in all mines, minerals, stone, and other substrata under the same ; and also exclusively of any right of pasturage or other right of common or interest in the nature of a right of common which may have been usually enjoyed by such lord or his tenants upon the said common, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, independently of the allotment hereby stipulated in respect of his right and interest in the soil.

And in respect of the mines, minerals, stone, and other substrata under the said common, which are hereby excepted from the inclosure, and reserved to the lord of the manor, it is hereby specified as follows ; that is to say,

That a right to enter the said common when inclosed, for the purpose of opening, working, or winning such mines, minerals, stone, and other substrata, be reserved to such lord of the manor, compensation to be made by the persons exercising such right for any damage to the surface which may thereby be done.

35 In witness whereof we have hereunto set our official seal this twenty-eighth day of January one thousand eight hundred and eighty.

L.S.

Inclosure Provisional
Order (Llandegley
Rhos Common).
= = =

A
B I L L

To confirm the Provisional Order for
the inclosure of certain Lands known
as Llandegley Rhos Common, situate
in the parish of Glascwm in the county
of Radnor, in pursuance of a Report
of the Inclosure Commissioners for
England and Wales.

(Prepared and brought in by
Mr. Arthur Peel and Secretary Sir William
Harcourt.)

Ordered, by The House of Commons, to be Printed,
18 June 1880.

[Bill 236.]

Under 1 oz.

A

B I L L

TO

Confirm the Provisional Order for the Inclosure of certain A.D. 1880. —

Lands known as Llanfair Hills, situate in the parish of Llanfair Waterdine, in the county of Salop, in pursuance of a report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845–1878, issue, in the year one thousand eight hundred and eighty, the Provisional Order of Inclosure set forth in the schedule hereto, 5 and in a special report certified that it was expedient that the same should be confirmed by Parliament :

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification :

10 And whereas the said inclosure cannot be proceeded with without the previous authority of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows :

1. The Provisional Order of Inclosure set forth in the schedule to this Act is hereby confirmed.

Confirmation
of Provi-
sional Order.

2. This Act may be cited as the Inclosure (Llanfair Hills) Provisional Order Confirmation Act, 1880.

Short title.

[Bill 216.]

A.D. 1880.

S C H E D U L E.*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as Llanfair Hills, situate in the townships of Menethesney, Llanfair, Trebert, and Fynnon Vair, in the parish of Llanfair Waterdine, in the county of Salop, such lands being 5 a common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into 15 consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner :

And whereas the said Assistant Commissioner, having caused public notice 20 to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the "Red Lion Inn," in the said parish, on the twenty-sixth and twenty-seventh days of November one thousand eight hundred and seventy-nine, at the respective hours of eleven in the morning and seven in the evening, to hear all persons desirous of being heard on the subject matter 25 of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order : 30

And whereas the said Assistant Commissioner inspected the said common as required by the said Acts :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several 35 particulars in the said application, and all other information required by the said Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed :

And whereas the Right Honourable Edward James Earl of Powis, as lord of the manor of Tempsiter, in the honour and lordship of Clun, is entitled to 40

A.D. 1880.

the soil of that part of the said common which is in the said townships of Menethesney, Llanfair, and Trebert, and to all mines, minerals, stone, and other substrata under the same, and also to the mines and minerals, except building stone and tile, under that part of the said common which is in the 5 said township of Fynnon Vair:

And whereas Sir Richard Green Price, Baronet, and Charles Lister Ryan, Esquire, as mortgagees in possession, are the owners of the soil of that part of the said common which is in the said township of Fynnon Vair, and of the building stone and tile under the same :

- 10 Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, have framed, for the consideration of the persons interested, this our draft Provisional Order, specifying the terms 15 and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say,

That ten acres, in two plots of five acres each, on either side of "Offa's Dyke," at or near the spots marked A and B on the map hereto annexed, 20 being the point of intersection of roads there, be allotted for recreation ground:

That "Offa's Dyke," in so far as it passes through the said common, be preserved in its present state, with convenient points of access to it, as a public footpath:

That fifteen acres of average quality be allotted for field gardens, with the 25 view of exchanging the same for good land conveniently situated near the cottages:

That thirty acres on such part or parts of the said common as may be found most suitable and convenient be set out as an allotment for turbary for fuel for the use of the inhabitants:

30 That carriage roads, bridle roads, and footpaths over the said common be set out, to the satisfaction of the Inclosure Commissioners, in the most convenient and commodious manner, with such deviations from the present lines of traffic as may provide more level ground and better shelter, and give public access to "Offa's Dyke," to the proposed recreation grounds, to the turbary allotments, 35 and to the springs and streams of water:

That one fourteenth part in value of the residue of that part of the said common which is in the said townships of Menethesney, Llanfair, and Trebert (to be set out adjoining his freehold property in the townships of Berfield and Spoad) be allotted under the provisions of the said Acts to the said Edward 40 James Earl of Powis, as lord of the said manor, in lieu of his right and interest in the soil of such part of the said common, inclusively of his right and interest in the building stone and tile under the same, but exclusively of his right and interest in all other mines and minerals under the said common, and also exclusively of any right of pasturage or other right of common, or interest in 45 the nature of a right of common, which may have been usually enjoyed by such lord or his tenants upon the said common, which said right of pasturage or other right, if any, is to be compensated by allotments or otherwise, inde-

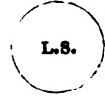
A.D. 1880. pendently of the allotment hereby stipulated in respect of his right and interest in the soil as aforesaid :

That one fourteenth part in value of the residue of that part of the said common which is in the said township of Fynnon Vair (to be set out adjoining their old inclosed lands) be allotted under the provisions of the said Acts to the 5 said Sir Richard Green Price and Charles Lister Ryan, as such mortgagees in possession, in lieu of their right and interest in the soil of such part of the said common, and in the building stone and tile under the same.

And in respect of the mines and minerals (except building stone and tile) under the said common which are hereby excepted from the inclosure and 10 reserved to the lord of the manor, it is hereby specified as follows ; that is to say,

That a right to enter the said common when inclosed, for the purpose of opening, working, and winning such mines and minerals, be reserved to such lord of the manor, compensation to be made by the persons exercising such 15 right for any damage to the surface which may thereby be done.

In witness whereof we have hereunto set our official seal this eighth day of January one thousand eight hundred and eighty.



L.S.

B I L L

A

To confirm the Provisional Order for the Inclosure of certain Lands known as Llanfair Hills, situate in the parish of Llanfair Waterdine, in the county of Salop, in pursuance of a report of the Inclosure Commissioners for England and Wales.

(Prepared and brought in by
Mr. Arthur Peel and Secretary
Sir William Harcourt.)

Ordered, by The House of Commons, to be Printed,
11 June 1880.

[Bill 216.]

Under 1 oz.

A

B I L L

TO

Confirm the Provisional Order for the inclosure of certain A.D. 1880.

Lands known as the Common Fields, the Common Meadow Lands, the Cow Common, the Green, the Meres, Baulks, and other waste lands, situate in the parish of Steventon in the county of Berks, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales did, in pursuance of the Inclosure Acts, 1845 to 1878, issue, in the year one thousand eight hundred and eighty, the Provisional Order of Inclosure set forth in the schedule hereto, and 5 in a special report certified that it was expedient that the same should be confirmed by Parliament:

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

10 And whereas the said inclosure cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, 15 and by the authority of the same, as follows :

1. The Provisional Order of Inclosure set forth in the schedule to this Act is hereby confirmed. Confirmation of Provisional Order.

2. This Act may be cited as the Inclosure (Steventon) Provisional Order Confirmation Act, 1880. Short title.

[Bill 235.]

A.D. 1880.

S C H E D U L E.*Provisional Order for the Inclosure of a Common.*

WHEREAS persons interested in certain lands called or known as the Common Fields, the Common Meadow Lands, the Cow Common, the Green, and the Meres, Baulks, and other waste lands, situate in the parish of Steventon 5 in the county of Berks, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Inclosure Commissioners for England and Wales to issue a Provisional Order for the inclosure of such common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into 15 consideration, were satisfied that a *prima facie* case had been made out, and that, regard being had to the benefit of the neighbourhood, as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Inclosure Commissioner:

And whereas the said Assistant Commissioner, having caused public notice 20 to be given as required by the said Acts, held, pursuant to the said notice, public meetings on the 9th day of December 1879, at half-past ten o'clock in the forenoon, and on the following day, at seven o'clock in the evening, at the National Schoolroom in the said parish, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or 25 evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner inspected the said common 30 as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said 35 Acts, and annexed to his report a map of the said common, a copy of which map is hereto annexed:

And whereas the Ecclesiastical Commissioners for England, as lords of the manor of Steventon, are entitled to the soil of the Cow Common, the Green, and the Meres, Baulks, and other waste lands aforesaid:

A.D. 1880.

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Inclosure Commissioners for England and Wales, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the inclosure of the said common is desirable, have framed for the consideration 5 of the persons interested this our draft Provisional Order, specifying the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament ; that is to say,

That so much of the Green as lies to the north-east of the dotted line on the 10 plan hereto annexed, containing about 14 acres, be allotted for recreation ground.

That the rest of the Green, containing about 13 acres, and also seven acres of common field land at or near the spots marked A. and B. on the said plan, be allotted for field gardens.

15 That the strips of waste by the side of the road known as the Cow Road be allotted to the churchwardens and overseers of the parish, and be kept open for the benefit of the neighbourhood.

That two acres of common field land of average quality be allotted for the purposes of a burial ground.

20 That carriage roads, bridle roads, and footpaths be set out, to the satisfaction of the Inclosure Commissioners, as may be most convenient for public use.

That there be allotted to the said Ecclesiastical Commissioners for England, as lords of the said manor, one fourteenth part in value of the lands to the soil of which they are entitled as aforesaid, such allotment to be in lieu of their right 25 and interest in the soil of such lands, inclusively of their right and interest in all mines, minerals, stone, and other substrata under the same, and of all other their right and interest therein as lords of the said manor.

In witness whereof we have hereunto set our official seal this
30 twenty-second day of January one thousand eight hundred and eighty.

L.S.

Inclosure Provisional
Order (Steventon
Common).

A

B I L L

To confirm the Provisional Order for the inclosure of certain Lands known as the Common Fields, the Common Meadow Lands, the Cow Common, the Green, the Meres, Baulks, and other waste lands, situate in the parish of Steventon in the county of Berks, in pursuance of a Report of the Inclosure Commissioners for England and Wales.

(*Prepared and brought in by
Mr. Arthur Peel and Secretary Sir William
Harcourt.*)

*Ordered, by The House of Commons, to be Printed,
18 June 1880.*

[Bill 235.]

Under 1 oz.

India Stock (Powers of Attorney) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
 2. Powers of attorney for sale and transfer of India five per cent. stock to apply to India four per cent. stock.
 3. Powers of attorney for receipt of dividends on India five per cent. stock to apply to India four per cent. stock.
 4. Requests for post dividend warrants in respect of India five per cent. stock to apply to India four per cent. stock.
-

A

B I L L

TO

Make Powers of Attorney and Requests for Transmission of A.D. 1880.
 Dividend Warrants by Post relating to India Five per centum Stock applicable to India Four per centum Stock.

WHEREAS in accordance with the conditions under which India five per cent. stock has been issued, the Secretary of State in Council of India has given notice that it is his intention to redeem that stock at par on the fifth day of July one thousand five hundred and eighty :

And whereas the said Secretary of State has offered to holders of India five per cent. stock in exchange for such stock, and in lieu of repayment in cash, a like amount of India four per cent. stock bearing interest from the fifth day of April one thousand eight hundred and eighty, together with the payment on the fifth day of July one thousand eight hundred and eighty of one pound ten shillings per cent. on the amount of stock exchanged, so as to make up a sum equal to interest thereon at the rate of five pounds per cent. per annum for the half year ending on the fifth day of July one thousand eight hundred and eighty :

* And whereas it is expedient that powers of attorney and requests for transmission of dividend warrants by post relating to India five per cent. stock should be made to extend and apply to India four per cent. stock :

20 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as India Stock (Powers of Attorney) Short title.
 25 Act, 1880.

2. Every power of attorney in force at the time of the passing of this Act for the sale and transfer of any India five per cent. stock shall, unless it be legally revoked or become void, remain in force for the purpose of enabling the attorney or attorneys therein named or referred to to receive and give receipts for any principal

[Bill 93.]

Powers of attorney for sale and transfer of India five per cent. stock to

A.D. 1880. sum of such India five per cent. stock, and to sell and transfer any India four per cent. stock that may be accepted in exchange for such five per cent. stock, and to receive the consideration money and give receipts for the same.

—
apply to
India four
per cent.
stock.

Powers of
attorney for
receipt of
dividends on
India five
per cent.
stock to
apply to
India four
per cent.
stock.

3. Every power of attorney in force at the time of the passing of this Act for the receipt of dividends on any India five per cent. stock shall, unless it be legally revoked or become void, remain in force for the purpose of enabling the attorney or attorneys therein named or referred to to receive the dividends to accrue on India four per cent. stock, and also to receive the said payment of one pound ten shillings per cent. on India five per cent. stock which will become payable on the fifth day of July one thousand eight hundred and eighty.

Requests for
post divi-
dend war-
rants in
respect of
India five
per cent.
stock to
apply to
India four
per cent.
stock.

4. Every request for the transmission of dividend warrants by post relating to India five per cent. stock in force at the time of the passing of this Act, or which may hereafter be made, in pursuance of the Act of the 34th and 35th Victoria, chapter 29, shall, unless it be legally revoked or become void, extend and apply to India four per cent. stock as if the stock mentioned in such request were therein described as India four per cent. stock.

**India Stock (Powers of
Attorney.**

A

B I L L

To make Powers of Attorney and Requests for Transmission of Dividend Warrants by Post relating to India Five per centum Stock applicable to India Four per centum Stock.

(*Prepared and brought in by
Mr. Edward Stanhope and Lord George
Hamilton.*)

*Ordered, by The House of Commons, to be Printed,
27 February 1880.*

[Bill 93.]

Under 1 oz.

Indian Salaries and Allowances Bill.

MEMORANDUM.

The main object of this Bill is to enable the Secretary of State in Council to reduce in certain cases the outfit allowances of Indian officials, and to reduce some of the salaries and allowances in the Ecclesiastical Establishment.

The outfit allowances are fixed by 53 Geo. 3. c. 155. s. 89, and 3 & 4 Will. 4. c. 85. ss. 76 and 91. Power to modify them in the case of certain Indian judges was given by 24 & 25 Vict. c. 104. s. 6.

The salaries are fixed by 53 Geo. 3. c. 155. s. 49.

E. S.

[Bill 72.]

A

Indian Salaries and Allowances Bill.

ARRANGEMENT OF CLAUSES.

Clause.

- 1. Short title.**
- 2. Power to regulate certain allowances for equipment and voyage.**
- 3. Power to regulate certain ecclesiastical salaries.**
- 4. Charges on Indian revenues not to be increased under Act.**
- 5. Repeal of enactments in Schedule.**

SCHEDULES.

A

B I L L

TO

Amend the Law relating to the Salaries and Allowances of A.D. 1880.
 certain Officers in India; and for other purposes relating thereto.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 1. This Act may be cited as the Indian Salaries and Allowances Short title.
 Act, 1880.

2. It shall be lawful for the Secretary of State in Council of India from time to time to fix, alter, or abolish the allowances for equipment and voyage of the several officers specified in the First Power to regulate certain allowances for equipment and voyage.

10 Schedule to this Act, or any of them.

3. It shall be lawful for the Secretary of State in Council of India from time to time to fix and alter the salaries, and to fix, alter, or abolish the allowances of the bishops and archdeacons of Calcutta, Madras, and Bombay, or any of them: Power to regulate certain ecclesiastical salaries.

15 Provided that nothing in this section shall affect the salary or allowances of any person who is such bishop or archdeacon at the passing of this Act.

4. Nothing in this Act shall authorise the imposition of any additional charge on the revenues of India.

20 5. The enactments described in the Second Schedule to this Act are hereby repealed to the extent in that Schedule mentioned.

Charges on Indian revenues not to be increased under Act. Repeal of enactments in Schedule.

A.D. 1880.

S C H E D U L E S.

FIRST SCHEDULE.

- The Governor-General of India and the Members of his Council.
- The Governors of Madras and Bombay and the Members of their Councils.
- The Commander-in-Chief of the Forces in India.
- The Commanders-in-Chief of Madras and Bombay.
- The Bishops and Archdeacons of Calcutta, Madras, and Bombay.

SECOND SCHEDULE.

| | |
|--|--|
| <p>53 Geo. 3. c. 155. - - - in part.</p> | <p>An Act for continuing in the East India Company for a further term the possession of the British territories in India, together with certain exclusive privileges ; for establishing further regulations for the government of the said territories, and the better administration of justice within the same, and for regulating the trade to and from the places within the limits of the said company's charter. 10</p> <p>in part ; namely— Section eighty-nine from “and the said Court of Directors” to the end of the section.</p> |
| <p>4 Geo. 4. c. 71. - - - in part.</p> | <p>An Act for defraying the charge of retiring pay, pensions, and other expense of that nature of His Majesty's forces serving in India, for establishing the pensions of the bishop, archdeacons, and judges for regulating ordinations, and for establishing a court of judicature at Bombay. 20</p> <p>In part ; namely— In section three, the words “and to any such “ archdeacon who shall have exercised in “ the East Indies or parts aforesaid for ten “ years the office of archdeacon,” and the words “or archdeacon” at the end of this section. 25</p> |

3 & 4 Will. 4. c. 85. -
in part.

An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian territories till the thirtieth day of April one thousand eight hundred and fifty-four.

A.D. 1880.
—

5

In part; namely—

Section seventy-six, from "and the said court of directors" to the end of the section, and section ninety-one.

Indian Salaries and
Allowances.
=====

B I L L

A

To amend the Law relating to the
Salaries and Allowances of certain
Officers in India; and for other pur-
poses relating thereto.

(Prepared and brought in by
*Mr. Edward Stanhope and Lord George
Hamilton.*)

Ordered, by The House of Commons, to be Printed,
12 February 1880.

[Bill 72.]

Under 1 oz.

A

B I L L

Further to amend the Industrial Schools Act, 1866.

A.D. 1880.

WHEREAS it is expedient that children who are growing up in the society of depraved and disorderly persons should be withdrawn from contaminating influences, and that the benefits of industrial school training should be extended to them :

5 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. Section fourteen of the Industrial Schools Act, 1866, shall be
10 read and construed as if, after the four several descriptions therein contained, there were added the following descriptions, namely,—
That is lodging, living, or residing with common or reputed prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution :
15 That frequents the company of prostitutes.
- Extension of
29 & 30 Vict.
c. 118. s. 14.
to other
descriptions
of children.

[Bill 247.]

Industrial Schools Act,
1866, Amendment.

A

B I L L

Further to amend the Industrial Schools
Act, 1866.

(Prepared and brought in by
Colonel Alexander, Mr. Robert N. Fowler,
Mr. Villiers Stuart, Mr. Whitley,
Mr. William Holm, and Mr. Blake.)

Ordered, by The House of Commons, to be Printed,
24 June 1880.

[Bill 247.]

Under 1 oz.

A

B I L L

TO

Enable School Boards to contribute to the support of Inmates A.D. 1880.
of Industrial Schools in Scotland.

WHEREAS it is expedient to enlarge the powers of school boards so as to enable them to contribute towards the support of inmates of industrial schools in Scotland :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Industrial Schools (Powers of School Boards) (Scotland) Act, 1880.
- 10 2. In this Act the term "industrial school" shall mean an industrial school within the meaning of the Industrial Schools Act, 1866. Interpretation of terms.
- 15 3. A school board of any parish or burgh may, with the consent of the Scotch Education Department, from time to time contribute out of the school rate such sum or sums of money, and on such conditions as they think fit, towards the support of the inmates of any industrial school within such parish or burgh. Power to school boards to contribute towards support of the inmates of industrial schools.

[Bill 263.]

Inhabited House Duty and Income Tax.

A

B I L L

To amend the Administration of the
Inhabited House Duty and Income
Tax.

(*Prepared and brought in by
Mr. Hubbard, Mr. Sampson Lloyd,
Mr. Leatham and Sir Charles Foster.*)

*Ordered, by The House of Commons, to be Printed,
11 February 1880.*

[Bill 70.]

Under 1 oz.

A

B I L L

TO

Amend the Administration of the Inhabited House Duty and A.D. 1880.
Income Tax.

WHEREAS it is expedient that the principle of an equal and equitable assessment be applied in levying all rates and taxes, whether local or imperial:

And whereas in levying local taxation the principle is generally adopted of charging the annual values of property at their net or rateable value, *i.e.* upon the value of the occupation after deducting from the gross value all outgoings necessary to maintain the value of the hereditament:

And whereas it is contrary to the nature of income tax that it be charged both on the interest which is income and on the capital which produces the income.

And whereas industrial earnings, on the same principle, require, previously to their being charged with income tax, an abatement in compensation of the exhaustion of productive power inseparable from labour:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- | | | |
|----|--|--|
| 20 | <p>1. The annual value of houses chargeable with inhabited house duty shall be the rateable value of such houses.</p> | House duty to be charged on rateable value. |
| 25 | <p>2. The annual value chargeable with income tax shall be the rateable value of all such houses, lands, tenements, and hereditaments as are liable to assessment for income tax.</p> | Income tax to be charged on rateable value. |
| 30 | <p>3. The proportion of the annual value of such lands, tenements, and hereditaments as are chargeable with income tax in respect of the occupation thereof under Schedule B. shall be the same proportion of the rateable value thereof.</p> <p>4. When a terminable annuity or other periodical payment shall comprise an advance or repayment of capital, income tax shall be [Bill 159.]</p> | Occupation of farms to be charged on rateable value. |

That portion of annuity, &c. which represents capital to be exempt from tax.

A.D. 1880. charged on the annual interest only, and not on the capital in such annuity.

Deduction in favour of industrial earnings. **5.** Industrial earnings derived from labour apart from the use of capital in any profession, office, or occupation of profit, shall be entitled, prior to assessment, to an abatement of *one third* of such 5 earnings.

Deduction in favour of industrial earnings when combined with use of capital. **6.** Industrial earnings derived from labour applied to the use of capital, and being the net profits of any person, firm, partnership, or company, engaged in any trade, manufacture, adventure, or concern, shall be entitled (prior to assessment) to an abate- 10 ment of *one third* of the labour gains included in such profits, *i.e.* to an abatement of one third of the excess (if any) of such profits above the interest value at four per centum of the capital in such trade, manufacture, adventure, or concern.

Instructions for computing assessment to be provided. **7.** In order to the assessing of the duties payable under the two 15 preceding sections, the Commissioners of Inland Revenue shall include in the rules and regulations appended to the forms of returns under Schedule D. the instructions set forth in the Schedule to this Act, and the amount resulting from a statement framed in accordance with such instructions shall be the amount 20 liable to assessment.

Commencement of Act. **8.** This Act shall not come into operation until the *first day of April one thousand eight hundred and eighty-one.*

S C H E D U L E.

A.D. 1880.

INSTRUCTIONS for ascertaining the amount to be assessed under Schedule D. in respect of the Interest, Gains, and Profits accruing from any Profession, Trade, Manufacture, Adventure, or Employment.

5

Example.

| | |
|---|--------------------|
| Profits for the year ending | 1881, |
| from the { profession of a 10 trade of a | <u>£ 1,230 0 0</u> |

15

Computation for Assessment.

| | |
|---|------------------|
| Interest on own capital (if any) £15,000 at 4%. | £ 600 0 0 |
| Labour gains - - - - £ 630 0 0 | £ 630 0 0 |
| Abate one third - - - - 210 0 0 | 210 0 0 |
| | <u>420 0 0</u> |
| Amount to be returned for assessment - £ | <u>1,020 0 0</u> |

N.B.—The figures here inserted are only explanatory.

Inhabited House Duty
and Income Tax.
=====

A

B I L L

To amend the Administration of the
Inhabited House Duty and Income
Tax.

(Prepared and brought in by
Mr. Hubbard, Mr. Whitley, Mr. Leatham,
and Sir Charles Forster.)

Ordered, by The House of Commons, to be Printed,
21 May 1880.
=====

[Bill 159]

Under 1 oz.

A

B I L L

FOR

The better settling the Real Estates of Intestates. A.D. 1880.

WHEREAS it is expedient that the law of succession to real estate in cases of persons hereafter dying intestate should be the same as the law of succession to personal estate in the like cases :

5 Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

1. That when and so far as any person beneficially seized of or entitled to any real estate shall, after the *first day of January one thousand eight hundred and eighty-one*, die intestate as to such real estate, the same shall go to and vest in the executor or administrator of such person, and the same (or the proceeds of the sale thereof, which sale the said executor or administrator is hereby empowered to make,) shall be applied and disposed of as assets of such deceased person, and be divided and distributed in the same proportions and manner to all intents and purposes as if the same had been held by such deceased person for a term of years only, and the court entitled to grant probate or administration of the goods and chattels of any person shall be authorised and is hereby required to include in such grant such real estate as aforesaid.

2. The executor or administrator may, at the request of the persons entitled to such real estate under the enactment aforesaid, divide and apportion the same by way of partition unto and amongst the said persons so entitled respectively ; and the Chancery Division of the Supreme Court of Judicature, or any judge thereof, shall be authorised and empowered to give such directions, and to make such orders and decrees upon the summary application of the said executor or administrator or of the said parties entitled, or of

[Bill 13.]

A.D. 1880. either of them, as to such court or judge shall seem most expedient for the more effectually carrying into effect the provisions of this Act; and such court or judge shall be authorised and empowered to make such orders as to the costs of and incident to such application as to such court or judge shall seem meet. 5

Irish Church Act (1869)
Amendment.
=====

4

Irish Church Act (1869) Amendment.

[43 VICT.]

A.D. 1880.
Minor in-
cumbent
aggrieved
may refer to
arbitration.

9. When any such minor incumbent is aggrieved by any declaration, decision, or valuation to be made by the Commissioners of Church Temporalities in Ireland in pursuance of the provisions of this Act, he may, if he think fit, refer such question to arbitration, and every such dispute and difference shall be held to fall within the provisions for arbitration contained in the principal Act.

Construction
of Act.

10. This Act is incorporated as one with the principal Act.

B I L L

To amend "The Irish Church Act, 1869," and to provide further compensation to certain Persons being Priests and Deacons of the late Established Church of Ireland.

A

(Prepared and brought in by
*Mr. Plunket, Sir Arthur Guinness,
Mr. Maurice Brooks, Mr. Ewart, and
Mr. Kavanagh.*)

Ordered, by The House of Commons, to be Printed,
3 March 1880.

[Bill 100.] Under 1 oz.

A

B I L L

TO

Amend the Irish Church Act, 1869, and to provide further A.D. 1880.
 compensation to certain Persons being Priests and Deacons
 of the late Established Church of Ireland.

WHEREAS to certain persons being priests or deacons of the late Established Church of Ireland there were awarded and declared to be payable by the Commissioners of Church Temporalities in Ireland, acting in execution and in virtue of the powers given to them by the Irish Church Act, 1869, certain annuities as compensation for the loss by them sustained by reason of the disestablishment of the late Established Church of Ireland :

And whereas it is expedient that all just and equitable claims of such persons as aforesaid should be considered and adjudicated upon, and that just and sufficient compensation should be made to such persons as aforesaid in respect of such loss as was sustained by them as aforesaid :

E - / Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Irish Church Amendment Act, 1880, and shall commence and come into operation on the *first day of November one thousand eight hundred and eighty.* Short title and commencement.

2. In the construction and for the purposes of this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto ; that is to say,

25 "The principal Act" shall mean the Irish Church Act, 1869 : The "said church" shall mean the Church of Ireland as by law established prior to the enactment of the Irish Church Act, 1869 :

[Bill 179.]

A.D. 1880.

- “Minor incumbent” shall mean and include any priest or deacon of the late Established Church of Ireland who on the twenty-sixth day of July one thousand eight hundred and sixty-nine was the incumbent of any rectory or vicarage in the said church, or perpetual curate of the said church, or a permanent curate 5 of the said church within the meaning of the fifteenth section of the Irish Church Act, 1869, and to whom there was ascertained and declared to be payable by the Commissioners of Church Temporalities in Ireland, acting in exercise of powers by the said Irish Church Act, 1869, conferred upon them, an 10 annuity less than two hundred and fifty pounds per annum, and who is now serving in the said church:
- “Such minor incumbent” shall mean and include any minor incumbent defined as aforesaid who shall have presented to the Commissioners of Church Temporalities in Ireland a 15 memorial in pursuance of the provisions of this Act:
- “The original annuity” shall mean the annuity by the Commissioners of Church Temporalities heretofore ascertained and declared to be payable to such minor incumbent:
- “The Commissioners” shall mean the Commissioners of Church 20 Temporalities in Ireland.

Presentation
of memorial
by minor in-
cumbents.

3. Any minor incumbent may, within *six months after the date of the passing of this Act*, present to the Commissioners a memorial setting forth his age, length of service, and the grounds and reasons whereby the original annuity should be considered 25 insufficient in amount fully to compensate him for the loss by him incurred by reason of the disestablishment of the said church, and praying that, having regard to the statement and reasons in such memorial contained, the question of the sufficiency of the amount of the original annuity should be reconsidered by the 30 Commissioners, and the amount thereof increased.

Adjudication
by Commis-
sioners of
Church Tem-
poralities.

4. The Commissioners shall with all convenient speed take into their consideration every such memorial, and shall, having duly considered the grounds and reasons in the said memorial contained, adjudicate upon the prayer thereof, and may declare any such 35 minor incumbent to have been entitled at the date at which the amount of the original annuity was ascertained to an annuity of an amount greater than the original annuity, and ascertain the amount of such greater annuity:

Provided always, that no such minor incumbent shall be declared 40 by the Commissioners, acting in pursuance of the powers by this section to them given, entitled to an annuity exceeding the amount of *two hundred and fifty pounds per annum*.

5. In adjudicating upon the prayer of any such memorial, the Commissioners shall, for the purpose of ascertaining the sufficiency or the insufficiency of the original annuity, have regard to the probable increase of the income of such minor incumbent by reason of the operation of any statute in force at the date of the passing of the principal Act for the augmentation of small livings in Ireland, and the funds, moneys, and property at such date vested in or under the control of the late Ecclesiastical Commissioners in Ireland, and applicable for such purposes, and also to the reasonable probability of the promotion of such minor incumbent in the said church.

6. The excess of any annuity to be awarded by the Commissioners, in pursuance of the provisions of this Act, to any such minor incumbent over the amount of the original annuity shall be considered as an additional and supplemental annuity payable to such minor incumbent for his life, and to have commenced on the *first day of January in the year one thousand eight hundred and seventy-one.*

7. The capitalised value of such additional and supplemental annuity as of the first day of January one thousand eight hundred and seventy-one shall be ascertained by the Commissioners, and that portion of such capitalised value which would be received by an annuitant in case he compounded his annuity according to the ordinary terms in use by the Irish Church representative body shall be forthwith paid by the said Commissioners to such minor incumbent out of the same funds, and in the same priority out of such funds, as the commutation value of the original annuity, if the same was or had been commuted under the provisions of the principal Act, was paid or would have been payable.

8. No minor incumbent shall be held to be disentitled to take advantage of the provisions of this Act by reason of his having commuted or commuted and compounded for the original annuity, or having assigned, charged, or incumbered the same; and the right of any such minor incumbent to receive and retain for his own use any moneys which may become payable to him under the provisions of this Act shall not be affected by his having commuted or commuted and compounded for the original annuity, or having assigned, charged, or incumbered the same; and the moneys payable under the provisions of this Act to any such minor incumbent shall not be held to be a graft upon the original annuity.

9. This Act is incorporated as one with the principal Act.

Construction
of Act.

A.D. 1880.
Method of
ascertaining
sufficiency or
insufficiency
of original
annuity.

Excess of
awarded
annuity to be
considered as
supplemental
annuity.

Capitalised
value of sup-
plemental
annuity to be
paid to minor
incumbent.

Minor in-
cumbent not
disentitled by
reason of his
having com-
muted, &c.

Irish Church Act (1869)

Amendment.

A

B I L L

To amend the Irish Church Act, 1869, and to provide further compensation to certain Persons being Priests and Deacons of the late Established Church of Ireland.

(*Prepared and brought in by
Mr. Plunket, Mr. Gibson, Vincent Crichton,
and Mr. Macarthy.*)

Ordered, by The House of Commons, to be Printed,

24 May 1880.

[Bill 179]

Under 1 oz.

A

B I L L

TO

**Explain and amend Sections Seven and Thirteen of the A.D. 1880.
Relief of Distress (Ireland) Amendment Act, 1880.**

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

[Bill 317.]

**Irish (Relief of Distress)
Loans Amendment.**

A

B I L L

To explain and amend Sections Seven
and Thirteen of the Relief of Distress
(Ireland) Amendment Act, 1880.

*(Prepared and brought in by
Lord Frederick Cavendish and Mr. Attorney-
General for Ireland.)*

*Ordered, by The House of Commons, to be Printed,
20 August 1880.*

[Bill 317.]

Under 1 oz.

Isle of Man (Loans) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Power to Government of Isle of Man to borrow.
3. Conditions of borrowing.
4. Appropriation for payment of loan and interest.
5. Application of 38 & 39 Vict. c. 83. to loans under Act.
6. Power to adopt 40 & 41 Vict. c. 59.
7. Investment by trustees in securities of Government of Isle of Man.
8. Application of loans.
9. Provision as to the loans on dues of harbours.
10. Provision as to Tynwald Court and Governor.
11. Repeal of Acts.

SCHEDULES.

A

B I L L

TO

Provide for the raising of Loans on behalf of the
Isle of Man.

A.D. 1880.

WHEREAS improvements in the harbours of the Isle of Man, and in public works in the Isle of Man, may be effected out of the revenues mentioned in the First Schedule to this Act, and loans, on the security of some of those revenues, may be raised for that purpose by the Isle of Man Harbour Commissioners, with the approval of the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury), and it is expedient to make further provision respecting loans on the security of the said revenues and by the said Commissioners:

10 Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Isle of Man Loans Act, 1880. Short title.
- 15 2. The Government of the Isle of Man may from time to time, with the approval of the Treasury and of the Tynwald Court, borrow such sums as may be so approved for all or any of the purposes following:
 - (1.) Paying off any incumbrances for the time being chargeable on any of the revenues mentioned in the First Schedule to this Act or on any part of the public revenue of the Isle of Man;
 - (2.) Effecting improvements in the harbours and other public works in the Isle of Man; and
 - (3.) Carrying into effect any public works or public purposes in the Isle of Man.
- 20 3. Sums borrowed under this Act may be borrowed on the security of the revenues mentioned in the First Schedule to this Act, or on any part thereof, without prejudice nevertheless to any charges previously existing thereon, and may be borrowed by
- 25 [Bill 241.] Conditions of bor-
rowing.

A.D. 1880. means of debentures, debenture stock, or annuity certificates, or partly by one means and partly by another, and, where a sum is borrowed for the purpose of any work for the purpose of which the Public Works Loan Commissioners have power under the Public Works Loans Act 1875 to lend, such sum or any part thereof may, 5 if those Commissioners think fit to lend it, be lent by those Commissioners and be borrowed by means of a mortgage to those Commissioners.

38 & 39 Vict.
c. 89.

Every such loan shall be repaid within *twenty years* from the date at which it is borrowed, or within such further time not exceeding fifty years as the Treasury and Tynwald Court for special reasons approve.

Appropria-
tion for pay-
ment of loan
and interest.

4. The Government of the Isle of Man from time to time shall appropriate, out of the revenues specified in the First Schedule to this Act, the sums required to pay the principal and interest of any 15 loan borrowed in pursuance of this Act, and provide for the sinking fund or other redemption fund (if any) and the expenses incurred in respect of the loan, and shall provide for the payment and application of such sums accordingly.

The Government of the Isle of Man may from time to time 20 appoint agents for the purposes of issuing, managing, and paying the principal and interest of any loan borrowed in pursuance of this Act, and otherwise for the purposes of this Act, or for any of the above-mentioned purposes, and may pay those agents such remuneration as the Treasury allow.

25

Application
of 38 & 39
Vict. c. 83.
to loans
under Act.

5. For the purpose of any loan under this Act the following provisions of the Local Loans Act, 1875, that is to say, sections four to ten, thirteen to fifteen, seventeen to twenty-five, and twenty-seven to thirty-four, all inclusive, shall apply as if they were herein enacted, and the following modifications made therein ; 30 that is to say,

- (1.) As if the Government of the Isle of Man, acting with the approval of the Treasury, were substituted for the local authority ;
- (2.) As if all mention of the Local Government Board were 35 omitted ;
- (3.) As if this Act were referred to as the Act authorising the borrowing of money ;
- (4.) As if section fourteen required interest to be repaid in addition to instead of out of the fixed annual sum therein 40 mentioned ; and
- (5.) As if in section twenty-two the Governor were substituted for two members of the local authority, and the Treasury

were substituted for the Local Government Board; A.D. 1880.
and

(6.) As if for the purposes of section twenty-five the court meant
the Court of Chancery of the Isle of Man.

5 The Government of the Isle of Man may, with the approval of the Treasury and of the Tynwald Court, re-borrow a loan, or any part thereof, so however that for the purpose of the time within which the sum re-borrowed is to be repaid and of sections fourteen and fifteen of the Local Loans Act, 1875, the said loan and the sums 10 re-borrowed shall be deemed to form the same loan.

The Government of the Isle of Man may, with the approval of the Treasury, establish a sinking fund.

Where the Government of the Isle of Man appoint an agent for any purpose of the Local Loans Act, 1875, as incorporated in this 15 section, anything required to be done by, to, or before the local authority may, so far as the appointment of the agent allows, be done by, to, or before the agent.

6. The Government of the Isle of Man, with the approval of the Treasury, may provide for the inscription and transfer in a register Power to adopt 40 & 41 Vict. c. 59.
20 kept in the United Kingdom by some bank, officer of the government, or person, of any stock created in pursuance of this Act, and the Colonial Stock Act, 1877, shall apply in like manner as if 40 & 41 Vict. c. 59.
the Isle of Man were a colony within the meaning of that Act.

The declaration required under section one of that Act may be 25 made by the Governor, and any other thing authorised or required by the said Act to be done by the government of a colony may be done by the Governor, acting with the approval of the Treasury.

7. Any trustees or other persons in the Isle of Man for the time being authorised or directed to invest any moneys in securities in 30 the Isle of Man, and any trustees or other persons for the time being authorised or directed to invest any moneys in the securities of the government of a colony, shall, unless the contrary is provided by the instrument authorising or directing such investment, have the same power of investing the said moneys in any securities 35 of the Government of the Isle of Man under this Act. Investment by trustees in securities of Govern- ment of Isle of Man.

8. All moneys received from any loan under this Act shall be applied for the purposes for which the loan is raised, or if so authorised by the Treasury and the Tynwald Court for any other purposes for which a loan can be raised under this Act, and shall be 40 applied and accounted for in such manner as the Treasury and the Governor from time to time direct. Application of loans.

A.D. 1880.
Provision as
to the loans
on dues of
harbours.

9. Where a loan under this Act is charged on the security of the dues of any harbour, the dues of such harbour shall be applicable for the payment of the principal and interest of such loan in like manner as if the loan had been raised for the improvement of such harbour, and the enactments relating to such dues shall be construed accordingly : 5

Provided that if the dues received from any harbour are charged under this Act with the principal or interest of any loan or part of a loan not applied to the improvement of that harbour, the amount so charged shall be repaid to the credit of the harbour out 10 of the other revenues mentioned in the First Schedule to this Act.

Provision as
to Tynwald
Court and
Governor.

10. Any approval or other act of the Tynwald Court for the purposes of this Act may be signified by a resolution of that court.

Anything authorised by this Act to be done by the Government of the Isle of Man may be done by the Governor, and if a written 15 document is required, may be done by a document under the hand of the Governor.

In this Act the expression Governor means the Governor, Lieutenant-Governor, or Deputy Governor of the Isle of Man for the time being. 20

Repeal of
Acts.

11. The Acts specified in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, without prejudice to any thing previously done under any enactment so repealed, and any loan borrowed in pursuance of any such enactment and the interest thereon shall remain charged 25 and payable in like manner in all respects as if the said enactment had not been repealed.

A.D. 1880.

FIRST SCHEDULE.**REVENUES FORMING SECURITY.**

- One ninth part of the gross amount of the duties of customs See
collected in the Isle of Man, which under the Isle of Man Customs, 29 & 30 Vict.
5 Harbours, and Public Purposes Act, 1866, is directed to be applied c. 28. s. 5.
by the Treasury in effecting improvements in the harbours and other public works in the Isle of Man.
- Two ninth parts of the gross amount of the duties of customs See
of the Isle of Man, which in pursuance of the said Act are autho- 29 & 30 Vict.
10 rised to be charged with loans for the purpose of effecting improve- s. 28. s. 6.
ments in the harbours in the Isle of Man.
- Such surplus of the customs revenue of the Isle of Man, after 29 & 30 Vict.
paying the charges thereout, as is applicable for the public purposes c. 23. ss. 8, 9.
of the Isle of Man.
- 15 The dues received in any of the following harbours, namely, port 26 & 27 Vict.
Erin or any harbour under the Isle of Man Harbours Act, 1874. c. 86.
37 & 38 Vict.
c. 8.

SECOND SCHEDULE.**ENACTMENTS REPEALED.**

| | | | |
|----|------------------------|---|---|
| 20 | 26 & 27 Vict. c. 86. - | The Isle of Man Harbours Act, 1863. | Section four. |
| 25 | 29 & 30 Vict. c. 23. - | The Isle of Man Customs, Harbours, and Public Purposes Act, 1866. | Section six, from "and it shall be lawful for the said harbour commissioners" inclusive to the end of the section. |
| 30 | 35 & 36 Vict. c. 23. - | The Isle of Man Harbours Act, 1872. | Section twenty, so far as it refers to the fifth section of the Isle of Man Customs, Harbours, and Public Purposes Act, 1866. |
| | 37 & 38 Vict. c. 8. - | The Isle of Man Harbours Act, 1874. | Section seven. |

Isle of Man (Loans).

A

B I L L

To provide for the raising of Loans on
behalf of the Isle of Man.

(Prepared and brought in by
Lord Frederick Cavendish and Mr. John Holmes.)

Ordered, by The House of Commons, to be Printed.
22 June 1880.

[Bill 241.]

Under 1 oz.

A

B I L L

TO

Provide for the appointment of Judicial Factors in Sheriff A.D. 1880.
Courts in Scotland.

WHEREAS an Act was passed in the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter fifty-one, intituled, "An Act for the better protection of the property of pupils, absent persons, and persons under mental incapacity in Scotland :"

And whereas it is expedient that sheriffs in Scotland should be empowered to appoint Judicial Factors in cases of estates of small value :

Be it therefore enacted by the Queen's most Excellent Majesty, 10 by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the *Judicial Factors Short title. (Scotland) Act, 1880.*
- 15 2. This Act shall commence to have effect on the *first day of January one thousand eight hundred and eighty-one*, which day is herein-after referred to as the commencement of this Act.
- 20 3. In this Act the following words and expressions shall have the meanings herein-after assigned to them, unless there be something in the subject or context repugnant to such construction ; that is to say,

The expression "Judicial Factor" shall mean factor *loco tutoris*, factor *loco absentis*, and *curator bonis* :

25 The expressions "Accountant of the Court of Session" or "Accountant," shall mean the Accountant of the Court of Session appointed under the recited Act :

The expression "prescribed" means prescribed by the regulations which the Court of Session are by this Act authorised to make from time to time by act of sederunt :

- 30 30 The expression "Lord Ordinary" shall mean the Lord Ordinary in the Court of Session discharging the duties of Junior Lord [Bill 162.]

A.D. 1880.

Sheriff em-
powered to
appoint
judicial
factors in
small estates.

Ordinary in time of session, and the Lord Ordinary on the Bills in the time of vacation :

"Estate" shall include all property and funds, and all rights heritable and moveable.

4. *From and after the commencement of this Act it shall be* 5 *competent for sheriffs in the several sheriff courts in Scotland,* and for their substitutes, and they are hereby authorised and empowered to appoint Judicial Factors in cases of estates the yearly value of which (heritable and moveable estate being taken together) does not exceed *one hundred pounds*, and every sheriff 10 and sheriff substitute respectively shall have and may exercise over and with regard to Judicial Factors appointed in the sheriff court the same powers and authorities that under the recited Act either division of the Court of Session or the Lord Ordinary respectively have and may exercise under the recited Act over and with regard 15 to Judicial Factors appointed in the Court of Session ; and for the purposes of this enactment the following provisions shall have effect ; that is to say,

1. Until otherwise prescribed, proceedings for appointment of Judicial Factors in the sheriff court shall commence by 20 petition as nearly as may be in the form in use in ordinary actions in that court, and shall thereafter be conducted therein as nearly as may be in the same form and manner in which proceedings under the recited Act are conducted before the Lord Ordinary : 25
2. In estimating the yearly value of the estate the yearly value of any lands and heritages shall be taken to be the yearly rent or value of the same as entered in the valuation roll for the county or burgh in which the same are situated in force for the time under the provisions of the Act of the session of 30 the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, and the Acts amending the same, and the yearly value of any moveable estate shall be taken to be the amount of the yearly interest on the estimated value of the same at *four pounds per centum per annum* ; 35 and the yearly value of any estate, or any portion thereof, which cannot be ascertained in either of the foregoing manners shall be ascertained in such manner as the sheriff or sheriff substitute shall think fit :
3. Before appointing a Judicial Factor on any estate under the 40 provisions of this Act the sheriff or sheriff substitute shall be satisfied, by reasonable evidence adduced before him, that the

A.D. 1880.

- yearly value of such estate (heritable and moveable estate being taken together) does not exceed *one hundred pounds*; and in making any such appointment he shall make a finding in his interlocutor to that effect, which shall be final; and no such appointment once made shall fall in respect of it afterwards appearing that such yearly value did exceed one hundred pounds:
- 5 4. Subject to such rules as may from time to time be made by act of sederunt as herein-after provided, the whole provisions of the recited Act, and any Acts amending the same, and any acts of sederunt made in terms thereof applicable to Judicial Factors appointed in the Court of Session shall apply as nearly as may be to Judicial Factors appointed in the sheriff court:
- 10 5. In all cases of any appeal or reclaiming note being competent from a determination of the Lord Ordinary in the Court of Session to a division of the Inner House of that court an appeal shall be competent in the like cases from a determination by a sheriff substitute to the sheriff, and in all cases of 20 the accountant of the Court of Session being bound to make any report to the Lord Ordinary in the Court of Session he shall be bound in the like case to make his report to a sheriff substitute:
- 25 6. Until otherwise prescribed, proceedings in the fixing of caution, in applying for special powers, in the auditing of accounts, in the exoneration and discharge or removal of Judicial Factors, and all other proceedings necessary for the management of the estates dealt with under this Act, shall be taken in the sheriff court in as nearly as may be the same form and manner in which the like proceedings are taken before the 30 Lord Ordinary:
- 35 7. It shall be the duty of the accountant, when it appears to him that there is a diversity of judgment or practice in proceedings in Judicial Factories in the sheriff courts which it would be important to put an end to, to report the same to the first division of the Court of Session, specifying the proceedings in which such diversity appeared, and asking for a rule to be laid down to secure uniformity of judgment or practice in such proceedings, and the Court shall consider such report, and if they shall see fit shall lay down such a rule accordingly, which rule the several sheriffs and their 40 substitutes shall be bound to observe.

A.D. 1880.
—
Power to
pass acts of
sederunt.

5. It shall be competent to the Court of Session, and they are hereby authorised and required, from time to time to pass such acts of sederunt as shall be necessary or proper for regulating or prescribing the manner of appointing Judicial Factors in the sheriff courts, and of finding caution by such Judicial Factors, and 5 the manner in which such Judicial Factors shall discharge their duties, and the manner in which the accountant shall discharge his duties, and the forms of process to be used in pursuance of this Act, and the manner of verifying by affidavit, declaration, certificate, or otherwise the sufficiency of the caution offered for Judicial 10 Factors in the sheriff courts, and all other matters requisite for more effectually carrying out the purposes of this Act.

Fees payable
by estates
deriving
benefit from
Act.

6. There shall be payable into the fee fund established under the recited Act, by each estate under charge of a Judicial Factor appointed under this Act, such fees as shall from time to time be 15 authorised by the Court of Session, having due regard to the sums required for the purposes of this Act and to the interests of the estates to be benefited thereby; and out of the sums paid as aforesaid it shall be lawful for the Lords Commissioners of Her Majesty's Treasury to make such additions as they shall think fit 20 to the salaries of the accountant and clerks appointed and acting under the recited Act, and to grant such salary or salaries as shall seem proper to any other clerk or clerks whom the said Commissioners shall think fit to appoint for the purposes of this Act.

**Judicial Factors
(Scotland).**

B I L L

A

To provide for the appointment of
Judicial Factors in Sheriff Courts in
Scotland.

*(Prepared and brought in by
Mr. Ramsay, Mr. Baxter, Lord Elcho,
and Dr. Cameron.)*

*Ordered, by The House of Commons, to be Printed,
21 May 1880.*

[Bill 162.]

Under 1 oz.

A

B I L L

TO

Constitute the township of Kingstown, in the county of A.D. 1880.
 Dublin, into a Parliamentary Borough, to be called the
 Borough of Kingstown.

WHEREAS it is expedient to constitute the township of Kings-
 town, in the county of Dublin, into a parliamentary borough,
 to be called the borough of Kingstown:

Be it enacted by the Queen's most Excellent Majesty, by and
 with the advice and consent of the Lords Spiritual and Temporal,
 and Commons, in this present Parliament assembled, and by the
 authority of the same, as follows:

1. From and after the *first day of January one thousand eight hundred and eighty-one*, the township of Kingstown, situated in the
 10 county of Dublin, shall form a borough under the name of the
 borough of Kingstown, and such borough shall return one member
 to serve in Parliament.

2. On or before the *thirty-first day of December one thousand eight hundred and eighty*, a register of voters for the said borough
 15 of Kingstown for the year *one thousand eight hundred and eighty-one* shall be formed in the same manner, save as is herein-after
 provided, as now by law a register of voters for a borough in Ireland
 is formed, in all respects as if the borough of Kingstown had,
 previously to the passing of this Act, been a borough returning a
 20 member to serve in Parliament.

3. The Lord Lieutenant, by and with the advice of Her Majesty's
 Privy Council in Ireland, shall, after the passing of this Act, fix
 the times and dates at which, for the formation of a register of
 voters for the borough of Kingstown for the year *one thousand
 25 eight hundred and eighty-one*, the clerk of the peace of the county
 of Dublin, the town clerk of the borough of Kingstown, the clerk
 of the union in which the township constituting said borough of
 Kingstown is now situated, and the poor rate collectors of said

From 1st Jan.
 1881 township
 of Kingstown
 shall form
 borough of
 Kingstown and
 return one
 member to
 Parliament.

Before 31st
 Dec. 1880 a
 register of
 voters to be
 formed.

The Lord
 Lieutenant
 and Privy
 Council shall
 fix times for
 giving
 notices and
 doing all acts
 necessary to
 form register
 for 1881,

[Bill 214.]

A.D. 1880.

and fix time
for holding
revision
courts.

Writ to issue
on first day
of session
1881 for
election of
member.

High sheriff of
co. Dublin to
be returning
officer ; and
town clerk of
township of
Kingstown
shall be town
clerk of
borough of
Kingstown.

Right of per-
sons whose
names are on
register for co.
Dublin to vote
not to be inter-
fered with until
after issuing
of writ for
borough of
Kingstown.

Provisions
for carrying
into effect
provisions of
last clause.

union, shall discharge, in respect to the borough of Kingstown created by this Act, the duties now imposed on them by law for borough registration in Ireland ; and shall also fix the time, not later than the *fifteenth day of December one thousand eight hundred and eighty*, at which the county court judge or chairman of the county of Dublin shall hold a court for the revision and formation of a register of voters for the borough of Kingstown for the year *one thousand eight hundred and eighty-one*.

4. On the *first day of the session of Parliament which shall be held in the year one thousand eight hundred and eighty-one*, a writ 10 shall issue to the borough of Kingstown for the election of a member to sit in Parliament.

5. The high sheriff of the county of Dublin shall be the returning officer of the borough of Kingstown, and the town clerk for the time being of the township of Kingstown shall be the town clerk for 15 the borough of Kingstown.

6. Nothing in this Act contained shall affect the right of any person whose name shall be for the year *one thousand eight hundred and eighty-one* on the register of voters for the county of Dublin to vote at any election for such county in respect of any vacancy 20 that may take place before the issuing of the first writ for the borough of Kingstown ; but after the issuing of such writ no person shall be entitled to vote at any election for the county of Dublin, or to be registered as a voter for said county, who shall not be entitled to vote at an election for said county, or to be registered 25 as a voter for said county in respect of a qualification situated elsewhere than in the borough of Kingstown.]

7. For the purpose of effectually carrying out the provisions of the last section of this Act, the chairman of the county of Dublin shall, at the court which he shall hold for revising and forming a 30 register for the borough of Kingstown, cause the register which shall have been settled for the county of Dublin for the year *one thousand eight hundred and eighty-one* to be laid before him, and on said register shall write the word "borough" opposite the name of each voter on said register for the county of Dublin whose 35 qualifications as stated in said register would not, after the issuing of a writ for the borough of Kingstown, entitle such voter for the county of Dublin ; and at any election for the county of Dublin taking place in the year *one thousand eight hundred and eighty-one*, after the issuing of a writ for an election for the borough of 40 Kingstown, the vote of any person against whose name the word

"borough" shall be written, if tendered in respect of such qualification, shall be rejected by the returning officer of said county of Dublin. A.D. 1880. —

8. This Act shall be cited for all purposes as the Borough of Title of Act.
5 Kingstown Act, 1880.

Kingstown Enfranchisement.

A

B I L L

To constitute the township of Kingstown, in the county of Dublin, into a Parliamentary Borough, to be called the Borough of Kingstown.

(*Prepared and brought in by
Mr. Foley, Mr. Meldon, and Mr. Sexton.*)

Ordered, by The House of Commons, to be Printed,
11 June 1880.

[Bill 214.]

Under 1 oz.

A

B I L L

TO

Make further provision with respect to the powers of the Commissioners for Public Works in Ireland in relation to a grant and loan for the Improvement of Kinsale Harbour, and to enable the Town Commissioners of Kinsale to guarantee a loan and levy rates for the purposes of such Improvement.

A.D. 1880.

WHEREAS under two provisional orders relating to the harbour of Kinsale, confirmed respectively by the General Pier and Harbour Provisional Orders Confirmation Act, 1870, and by the General Pier and Harbour Provisional Orders Confirmation Act, 5 1874, the control of the harbour of Kinsale is vested in Commissioners (in this Act referred to as the Kinsale Harbour Commissioners), and those Commissioners are empowered by the said orders to construct certain works for the repair and improvement of the harbour, and to borrow for the purpose of such works any sums 10 not exceeding fifteen thousand pounds :

33 & 34 Vict.
c. clviii.
Local.
37 & 38 Vict.
c. clxxxv.
Local.

And whereas the cost of the said works (in this Act referred to as the Kinsale Harbour improvements) is estimated to amount to sixteen thousand pounds :

And whereas the Commissioners of Public Works, with the 15 consent of the Treasury, have, in pursuance of the enactments 9 & 10 Vict.
authorising them in that behalf, promised, on condition of a sum of c. 3.
not less than two thousand pounds being contributed out of local 29 & 30 Vict.
funds, to expend upon the Kinsale Harbour improvements, in addition c. 45.
to the said two thousand pounds, a sum of fourteen thousand 20 pounds [of which a sum of seven thousand five hundred pounds is
to be a grant and six thousand five hundred pounds is to be a loan
to the Harbour Commissioners], and to construct the said improve-
ments, or the portion thereof upon which the said sum of fourteen
thousand pounds is to be expended :

25 And whereas the Kinsale Harbour improvements so to be constructed by the Commissioners of Public Works will be the property

[Bill 266.]

A

A.D. 1880.

of those Commissioners, and under the enactments conferring powers upon the Commissioners of Public Works those Commissioners are authorised by warrant to direct that any works constructed by them out of any grant or loan shall be the property of the county or a district thereof, and thereupon the same must be maintained by the county or district at the cost of the rates; and it is expedient to provide for the Kinsale Harbour improvements becoming the property of the Kinsale Harbour Commissioners and being maintained by those Commissioners at the cost of those Commissioners, or, so far as their funds are insufficient, at the cost of the Town Commissioners of Kinsale, and the said Harbour and Town Commissioners have assented to undertake such maintenance:

And whereas doubts have arisen as to the power of the Commissioners of Public Works to make the said loan on the joint security of the Kinsale Harbour Commissioners and the Town Commissioners of Kinsale, and it is expedient to make further provision respecting the security of the said loan, and to authorise the Town Commissioners of Kinsale to guarantee the same and to levy rates for the purpose of paying the principal and interest thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Kinsale Harbour Act, 1880. 25

Provision for
vesting in
Harbour
Commissi-
oners the
maintenance
of works in
Kinsale Har-
bour.

2. The Commissioners of Public Works shall have the same power of directing that any of the Kinsale Harbour improvements which are constructed wholly or partly out of any grant or loan made by the Commissioners of Public Works shall be vested in and be the property of the Kinsale Harbour Commissioners, as 30 they have to direct that the works constructed out of any grant or loan by them shall be the property of the county, and upon such direction being given the improvements referred to in such direction shall be the property of the Kinsale Harbour Commissioners and be maintained in good and proper repair by those Commissioners at the cost of those Commissioners, and in case and so far as those Commissioners declare their funds to be insufficient, at the cost of the Town Commissioners of Kinsale; and the Town Commissioners of Kinsale shall pay to the Harbour Commissioners such sums as the Harbour Commissioners require from time to time 35 for the purpose of meeting such insufficiency, and, notwithstanding any limit in any other Act or otherwise, shall have power to levy 40

and shall levy from time to time a rate of such amount as is necessary to raise the sums so required from time to time by the Harbour Commissioners. A.D. 1880.

- The Lord Lieutenant, if satisfied by a report from the Commissioners of Public Works or otherwise that the Kinsale Harbour improvements constructed wholly or partly by the Commissioners of Public Works out of any grant or loan, or any part of those improvements, are not maintained in good and proper repair, may certify the same to the Treasury, and the Treasury may thereupon authorise the Commissioners of Public Works to do such repairs to the said improvements as appear to the Commissioners to be necessary or proper for placing the same in a good and proper state of repair, and those Commissioners may enter and do those repairs in like manner as if the said improvements and Kinsale Harbour were vested in them.

The cost of the repairs, to such amount as is certified by the Commissioners of Public Works, with interest at the rate of *three and a half* per centum per annum, or at such other rate as the Treasury fix, in order to prevent loss to the Exchequer, shall be a joint and several debt to Her Majesty from the Kinsale Harbour Commissioners and the Town Commissioners of Kinsale, and the Town Commissioners, notwithstanding any limit in any other Act or otherwise, shall have power to levy and shall levy a rate to such amount as may be necessary to defray such debt.

3. The loan to be made by the Commissioners of Public Works for the purpose of the Kinsale Harbour improvements may be made on the security of the tolls, rates, and property of the Kinsale Harbour Commissioners and of the guarantee by the Town Commissioners of Kinsale authorised by this Act, and such loan may be made and such security may be given in manner directed by the Acts relating to loans by the Commissioners of Public Works.

The Town Commissioners of Kinsale may guarantee the payment by the Kinsale Harbour Commissioners of the principal and interest of any loan to the Kinsale Harbour Commissioners from the Commissioners of Public Works made for the execution of the Kinsale Harbour improvements, and may for that purpose mortgage the property of the Town Commissioners and the rates leviable by them to the Commissioners of Public Works, and for the purpose of paying such principal and interest they shall have power to levy, and shall levy, notwithstanding a limit in any Act or otherwise, a rate of such amount as may be required for the said payment.

A.D. 1880.

Definitions.

4. In this Act, unless the context otherwise requires,—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland, and includes the chief governor or governors of 5 Ireland:

The expression "Commissioners of Public Works" means the Commissioners of Public Works in Ireland.

Kinsale Harbour.

A

B I L L

To make further provision with respect to the powers of the Commissioners for Public Works in Ireland in relation to a grant and loan for the Improvement of Kinsale Harbour, and to enable the Town Commissioners of Kinsale to guarantee a loan and levy rates for the purposes of such Improvement.

(*Prepared and brought in by
Lord Frederick Cavendish and Mr. John Holmes.*)

*Ordered, by The House of Commons, to be Printed,
14 July 1880.*

[Bill 266.]

Under 1 oz.

3 2044 106 503 865